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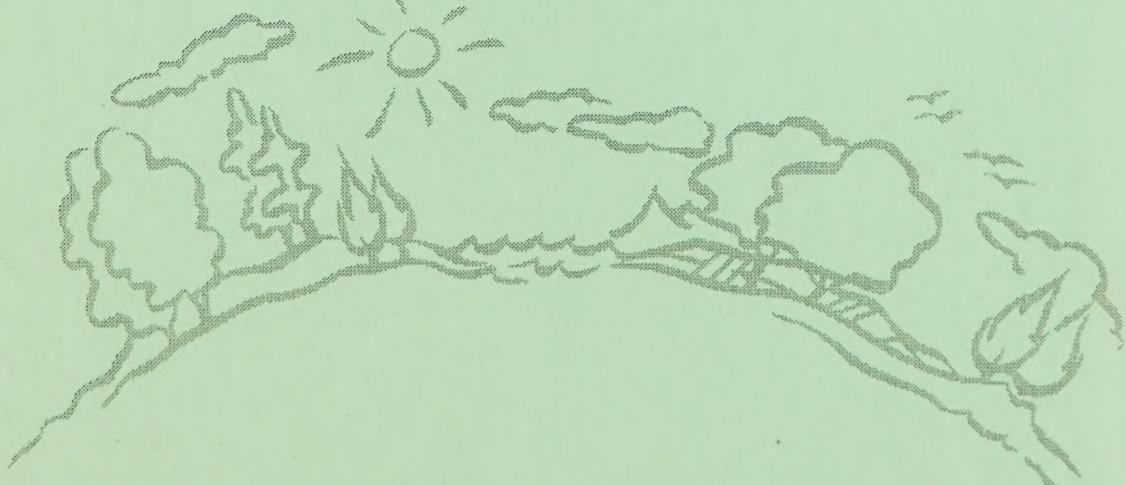
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Environment Canada



Compendium of International Environmental Agreements

Second Edition - Winter 1999-2000





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ACKNOWLEDGEMENT

We would like to express special thanks to all employees and managers that have taken the time to contribute to the achievement of this product.

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(Cette publication est aussi disponible en français)





PREFACE

In 1998, Environment Canada undertook an intensive internal review of its international involvement and activities to understand how Canada was progressing on international work.

One of the recommendations that came from this review was the assembly of a summary of international environmental agreements and commitments in order to better track overall departmental progress on international environmental obligations. Tracking corporately our international commitments is crucial to our ability to understand the totality of Environment Canada's international effort as well as to take stock of progress and measure results. These capabilities are of particular importance as we begin to look ahead to the 10th Anniversary of the United Nations Conference on Environment Development (UNCED) in 2002 and the intensified scrutiny of our efforts by our stakeholders and the international community that will inevitably be associated with it. Further, this report enables us to identify cross-cutting issues related to international agreements as well as gaps in implementation.

This compendium is comprised of 56 international legally binding environmental agreements. Of these, there are **multilateral environmental agreements** to which Canada has made commitments related to global issues such as chemical pollution, climate change, ozone depletion, and biological diversity.

Several **regional agreements** which are legally binding also exist to advance the international policy agenda. Canada deals with regional organizations to help set international rules and standards on environmental issues. These include the Organisation for Economic Cooperation and Development (OECD), the United Nations Environment Commission for Europe (UN ECE), the European Union (EU), the Arctic Council, and the Commission for Environmental Cooperation (CEC). The OECD focuses on chemicals and waste issues (i.e. PCBs); the UN ECE focuses on air and Long Range Transboundary Air Pollution (LRTAP) issues (i.e. Volatile Organic Compounds (VOCs), nitrogen oxides (NOx), sulphur dioxides (SO₂) and transboundary fluxes); the EU focuses on biodiversity. The CEC and the Arctic have a direct impact on the Canadian environment and therefore are of high importance to the health of Canadians and Canadian ecosystems.

In terms of **bilateral agreements**, there are legally binding ones with Denmark, Chile and the United States. The majority of these bilateral agreements deal with transboundary environmental issues affecting Canada and the United States. These issues relate to ecosystems, water and air.

Canada is also committed to 18 bilateral international cooperation arrangements signed at the Ministerial level which are not included in this compendium because they are voluntary cooperation arrangements rather than legally binding instruments. Information on these can be obtained from the International Policy and Cooperation Branch.





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AIR





Agreement between the Government of Canada and the Government of the United States (US) on Air Quality

Lead Department: Environment Canada

Subject Category: Air

Agreement/Protocol/Convention Status

Signed March 13, 1991
In force in Canada March 13, 1991
In force internationally March 13, 1991

Agreement/Protocol/Convention Summary

The Agreement seeks to control transboundary air pollution between Canada and the United States. Annex I contains specific objectives concerning sulphur dioxide (SO₂) and nitrogen oxides (NO_x). Annex II contains guidelines concerning scientific and technical activities, economic research, and the exchange of information. Both Annexes form an integral part of the Agreement.

Agreement/Protocol/Convention Commitments

Canada is required to control transboundary air pollution between the two countries, and is further required to establish specific objectives for emissions limitations or reductions of air pollutants and adopt necessary programs and other measures to implement such specific objectives, including:

Sulphur dioxide:

- by 1994, seven eastern provinces reduced annual emissions to 2.3 million tonnes;
- by 2000, permanent national emissions cap of 3.2 million tonnes per year of nitrogen oxides;
- by 2000, reduction from stationary source nitrogen oxide (NO_x) emissions of 100,000 tonnes below forecast level of 970,000 in 2000; and
- by 1995, develop further annual national nitrogen oxide (NO_x) emission reduction requirements from stationary sources to be achieved by 2000 and/or 2005.

Mobile sources:

- implement NO_x control program.

Compliance monitoring:

- by 1995, investigate feasibility of using Continuous Emissions Monitoring (CEMS) and estimate emissions of nitrogen oxides (NO_x) and sulphur dioxide (SO₂) from new electric utility units and existing electric utility units greater than 25 MWe using methodologies like CEMS; and
- work toward comparable effective methods of emission estimation for sulphur dioxide (SO₂) and nitrogen oxides (NO_x) emissions from all major industrial boilers and process sources, including smelters.

Prevention of Significant Deterioration (PSD)/Visibility:

- develop and implement a means for achieving levels of PSD/Visibility protection comparable to those in the United States with respect to sources that could cause significant transboundary air pollution.

In addition, Canada is required to:

- conduct air pollutant monitoring activities;
- harmonize methods for emission inventories, trends, and projections;
- cooperate and exchange information on scientific and technical activities and economic research;
- provide prior notification of installation of facilities that have the potential to cause significant transboundary pollution;
- consult and address issues of concern and work to settle disputes; and
- review and assess progress, *of AIDS treatment,*

Environment Canada Action Required

Environment Canada is the lead and must: facilitate emissions limitations/reductions; conduct monitoring activities; assist in harmonization of emissions data; effect information exchanges; facilitate Environmental International Agreements (EIAs) and related activities; consult with other Parties; and provide reviews and reporting.



Environment Canada Activities

Environment Canada has facilitated the following:

- Sulphur Dioxide: In 1997 Canada was 24% under the cap for the seven eastern provinces and 18% under the cap nationally;
- Nitrogen Oxides: Canadian stationary sources are projected to be 100,000 below forecast level of 970,000 in 2000;
- Compliance monitoring: Canada has met the obligations in the Agreement with respect to new and existing electric utility units and other major stationary sources;
- Prevention of Significant Deterioration (PSD)/Visibility: Environment Canada is reviewing programs and will analyze comparability with United States protection;
- cooperation and harmonization is occurring with the United States with respect to monitoring, emissions inventories, and exchange of information;
- notification processes are being perfected in both Canada and the United States;
- progress reports are being completed and delivered to the public every two years; and
- annual meetings are being held to implement the Agreement.

Evidence of Compliance

Canada's progress reports.

Environment Canada Contact(s):

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Web Site(s)

<http://ijc.org/agree/air.html>



Canada-US Agreement Related to the Exchange of Information on Weather Modification Activities

Lead Department: Environment Canada

Subject Category: Air

Agreement/Protocol/Convention Status

Signed March 26, 1975
In force in Canada March 26, 1975
In force internationally March 26, 1975
Ratified March 26, 1975

Agreement/Protocol/Convention Summary

This Agreement establishes obligations to facilitate cooperation and the exchange of information between the Parties regarding weather modification activities that may have transboundary effects. Weather modification activities as defined under the Agreement are those activities performed with the intention of producing artificial changes in the composition, behavior, or dynamics of the atmosphere. In the Agreement's preamble, it is noted that a diversity of weather modification activities are being carried out in both countries by private parties, provincial and state authorities and by the federal governments.

Agreement/Protocol/Convention Commitments

This Agreement establishes obligations to facilitate cooperation and the exchange of information between the Parties regarding weather modification activities that may have transboundary effects. Weather modification activities as defined under the Agreement are those activities performed with the intention of producing artificial changes in the composition, behavior, or dynamics of the atmosphere. In the Agreement's preamble, it is noted that a diversity of weather modification activities are being carried out in both countries by private parties, provincial and state authorities and by the federal governments.

Environment Canada Action Required

Environment Canada is the lead. Actions relating to the Agreement are as follows:

- exchange of reports/information/data;
- advance notification of weather modification activities; and
- consultations.

The US participation is limited due to budgeting constraints in weather modification areas.

Environment Canada Activities

Environment Canada's Meteorological Service of Canada (MSC) has not undertaken any weather modification activities since the end of the Alberta Hail Project in the mid 1980s. The last letter from the United States was in 1991 advising of the move of the office of Program Development and Coordination of the Department of Commerce to Silver Spring, Maryland.

Evidence of Compliance

See Environment Canada and/or Canadian Activities above.

Environment Canada Contact(s): Mr. Jack Power, Meteorological Service of Canada, Tel: (416) 739-4610; Fax: (416) 739-4211

Web Site(s)



**Convention on Long-Range Transboundary Air Pollution
1985 Protocol on the Reduction of Sulphur Emissions or Their Transboundary Fluxes by at Least 30 Per Cent**

Lead Department: Environment Canada

Subject Category: Air

Agreement/Protocol/Convention Status

Signed July 8, 1985

Ratified December 4, 1985

In force in Canada September 2, 1987

In force internationally September 2, 1987

Agreement/Protocol/Convention Summary

The 1985 Protocol on the Reduction of Sulphur Emissions or Their Transboundary Fluxes (first SO₂ Protocol), designed to implement the 1979 United Nations Economic Commission for Europe (UN ECE) Convention on Long-Range Transboundary Air Pollution, planned to reduce sulphur emissions or their transboundary fluxes by 30% as soon as possible and at the latest by 1993 using 1980 as the base year. Taken as a whole, the 21 UN ECE Parties reduced 1980 sulphur emissions by 50% by 1993.

Agreement/Protocol/Convention Commitments

Canada was required to reduce national annual sulphur emissions or their transboundary fluxes by at least 30% as soon as possible and at the latest by 1993, using 1980 levels as the basis for calculation of reductions. As well, Canada was not to increase national annual emissions of sulphur or their transboundary fluxes beyond the 30% reduction. Canada is also required to report annually on Canadian emissions and national strategies and policies.

Environment Canada Action Required

Environment Canada is the lead. It must facilitate reduction of emissions by 30% by 1993, and report to United Nations Economic Commission for Europe (UN ECE) Secretariat on emissions.

Environment Canada facilitates Canada's annual report to the UN ECE Secretariat on emissions, monitoring, and national strategies and policies.

Environment Canada Activities

Canada met the target of 30% reduction nationally by 1993 with reduction from 4,634 Kt in 1980 to 2,650 Kt in 1995.

Environment Canada facilitates Canada's annual report to the United Nations Economic Commission for Europe (UN ECE) Secretariat on emissions, monitoring, and national strategies and policies.

Evidence of Compliance

Canada's annual report to the United Nations Economic Commission for Europe Secretariat.

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Web Site(s)

<http://www.unece.org/env>



Convention on Long-Range Transboundary Air Pollution (LRTAP)

Lead Department: Environment Canada

Subject Category: Air

Agreement/Protocol/Convention Status

Signed November 13, 1979

Ratified December 15, 1981

In force in Canada March 16, 1983

In force internationally March 16, 1983

Agreement/Protocol/Convention Summary

The Convention provides a framework through which countries will limit, gradually reduce, and eventually prevent long-range transboundary air pollution, by encouraging cooperation and the exchange of information between countries. The Protocols to the Convention establish more specific reduction targets for certain air pollutants, including sulphur emissions (SO₂), nitrogen oxides (NO_x) and volatile organic compounds (VOCs), persistent organic pollutants (POPs), and heavy metals (HMs).

Agreement/Protocol/Convention Commitments

This Agreement constitutes the framework within which the Contracting Parties identify problems posed by transboundary air pollution and elaborate Protocols on specific pollutants.

Canada is required to develop policies and strategies to combat the discharge of air pollutants, including the use of best available technology, taking into account existing national and international efforts. In addition, Canada must hold consultations with countries affected by or exposed to a significant risk of long-range transboundary air pollution originating from Canadian territory.

Canada, according to its needs, is to:

- endeavor to prevent long-range transboundary air pollution;
- exchange information on air pollution data;
- cooperate to conduct research and monitor and measure emissions;
- research and/or develop technologies for reducing emissions of sulphur and other major air pollutants; and
- research economic, social, and environmental factors associated with air pollutant reductions.

Environment Canada Action Required

Environment Canada is the lead. It is required to:

- work under the Long-Range Transboundary Air Pollution (LRTAP) to develop Protocols appropriate to Canada's needs;
- exchange information and cooperate to conduct research on long-range air pollution issues and responses to these issues; and
- hold consultations/discussions with other countries.

Environment Canada Activities

See Long-Range Transboundary Air Pollution (LRTAP) Protocols on Sulphur Emissions (2), Nitrogen Oxides, Financing, Volatile Organic Compounds (VOCs), Persistent Organic Pollutants and Heavy Metals.

Evidence of Compliance

See Long-Range Transboundary Air Pollution (LRTAP) Protocols on Sulphur Emissions (2), Nitrogen Oxides, Financing, Volatile Organic Compounds (VOCs), Persistent Organic Pollutants and Heavy Metals.

Environment Canada Contact(s):

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Web Site(s)

<http://www.unece.org/env>



**Convention on Long-Range Transboundary Air Pollution (LRTAP)
Protocol Concerning Heavy Metals (HMs)**

Lead Department: Environment Canada

Subject Category: Air

Agreement/Protocol/Convention Status

The Heavy Metals (HMs) Protocol was signed June 24, 1998 in Arhus, Denmark and ratified by Canada on December 18, 1998. Coming into effect of the obligations of the Protocol will occur once 16 countries have ratified. It is expected that this will likely occur sometime in the year 2000.

Agreement/Protocol/Convention Summary

The Protocol aims to cut emissions from industrial sources (iron and steel industry, non-ferrous metals industry), combustion processes (power generation, road transport), and waste incineration. It sets limits for emissions from stationary sources and suggests best available techniques, such as special filters, scrubbers, or mercury-free processes, to achieve these limits. The Protocol requires countries to phase-out leaded petrol (gasoline) and introduces measures to lower emissions of mercury from products such as batteries.

Agreement/Protocol/Convention Commitments

For the 3 specified Heavy Metals (HMs) (cadmium, lead, mercury), Canada will be required to:

- control atmospheric emissions from new plants in designated industrial sectors;
- reduce by 50% atmospheric emissions from existing facilities (based on 1990 values);
- control lead content in gasoline and mercury content in alkaline batteries; and
- develop and maintain emission inventories for specified HMs.

Environment Canada Action Required

Collectively, the existing federal, provincial and territorial management instruments provide appropriate mechanisms for implementing Canada's commitments under this Protocol.

Environment Canada Activities

A Strategy Implementation Framework was developed by the National Air Issues Coordinating Committee-Air Hazardous Air Pollutants (NACICC-A HAPS) Task Group in 1998-1999.

Evidence of Compliance

United Nations Economic Commission for Europe (UN ECE) Heavy Metals (HMs) Protocol is not in force yet. Performance measures will only be relevant when the Protocol comes into effect.

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Web Site(s)

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**Convention on Long-Range Transboundary Air Pollution (LRTAP)
Protocol Concerning Persistent Organic Pollutants (POPs)**

Lead Department: Environment Canada

Subject Category: Air

Agreement/Protocol/Convention Status

Signed June 24, 1998

Canada ratified the Protocol on December 19, 1998

In force once 16 countries have ratified the Protocol, which is likely to occur sometime in the year 2000.

Agreement/Protocol/Convention Summary

The objective of the Persistent Organic Pollutants (POPs) Protocol is to control, reduce, or eliminate discharges, emissions, and losses of POPs to the environment. Three measures are used as obligations in the Protocol: for some substances, production and use are eliminated; for other substances, use is severely restricted; and for those substances which are formed unintentionally as a result of combustion or processing activities, total annual emissions are reduced from a reference year. A process included in the Protocol allows for substances to be added or current obligations to be modified as new information is obtained.

Agreement/Protocol/Convention Commitments

For Specified Persistent Organic Pollutants (POPs)*, Canada will be required to:

- eliminate production and/or use of 12 POPs (aldrin, chlordane, chlordecone, DDT, dieldrin, endrin, heptachlor, hexabromobiphenyl, hexachlorobenzene, mirex, PCBs, and toxaphene);
- restrict use of three POPs (DDT, lindane, and PCBs);
- control atmospheric emissions of four POPs (polycyclic aromatic hydrocarbons, dioxins, furans, and hexachlorobenzene) from designated industrial sectors;
- commit to environmentally-sound destruction and disposal of substances that are subject to elimination; and
- maintain/develop emission inventories for substances requiring atmospheric emission controls as well as collect available information relating to production and sale of substances scheduled for elimination of production and/or use and restriction of use.

*Please note that some substances are subject to multiple control regimes.

Environment Canada Action Required

Collectively, the existing federal, provincial and territorial management instruments provide appropriate mechanisms for implementing Canada's commitments under this Protocol

Environment Canada Activities

A Strategy Implementation Framework was developed by the National Air Issues Coordinating Committee-Air Hazardous Air Pollutants (NAICC-A HAPS) Task Group in 1998-1999.

Evidence of Compliance

United Nations Economic Commission for Europe (UN ECE) Persistent Organic Pollutants (POPs) Protocol is not in-force yet; performance measures will only be relevant when the protocol comes into effect.

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Web Site(s)

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**Convention on Long-Range Transboundary Air Pollution (LRTAP)
Protocol Concerning the Control of Emissions of Nitrogen Oxides or Their Transboundary
Fluxes [Sofia (Bulgaria)88]**

Lead Department: Environment Canada

Subject Category: Air

Agreement/Protocol/Convention Status

Signed November 1, 1988

Ratified January 25, 1991

In force in Canada February 14, 1991

In force internationally February 14, 1991

Agreement/Protocol/Convention Summary

The Protocol is designed to implement the 1979 United Nations Economic Commission for Europe (UN ECE) Convention on Long-range Transboundary Air Pollution (LRTAP). It requires, in a first step, the reduction and/or control of total annual emissions of nitrogen oxides or their transboundary fluxes, and requires countries party to the Protocol to take a variety of domestic measures aimed at reducing nitrogen oxide pollution. The Protocol also aims to develop an approach to emission reductions in a second step protocol that is guided by the exposure the receiving environment can sustain without significant damage ("critical loads" approach).

Agreement/Protocol/Convention Commitments

Canada was, and is, required to control and/or reduce national annual emissions of nitrogen oxides (NOx) or their transboundary fluxes by December 31, 1994 at or below emissions for 1987.

Environment Canada Action Required

Environment Canada is the lead. It must facilitate controlling or reducing emissions of nitrogen oxides (NOx), negotiations on behalf of Canada for further emissions reductions, and annual reporting on emissions and national strategies and policies.

Environment Canada Activities

Canada has frozen its national annual emissions of nitrogen oxides at 1987 levels since 1987.

Parties to the Convention, including Canada, began discussions on a second step on further reductions of nitrogen oxides in 1995. These discussions have led to protocol negotiations on a Protocol to Abate Acidification, Eutrophication, and Ground-level Ozone.

Canada reports annually to the United Nations Economic Commission for Europe (UN ECE) Secretariat on emissions, monitoring, and national strategies and policies.

Evidence of Compliance

Canada's annual report to the United Nations Economic Commission for Europe Secretariat.

Environment Canada Contact(s):

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Jessica Thomson, Environmental Protection Service, Tel: (819) 994-3037; Fax: (819) 994-0549

Web Site(s)

<http://www.unece.org/env>



**Convention on Long-Range Transboundary Air Pollution (LRTAP)
Protocol Concerning the Control of Emissions of Volatile Organic Compounds (VOCs) or their
Transboundary Fluxes**

Lead Department: Environment Canada

Subject Category: Air

Agreement/Protocol/Convention Status

Signed November 19, 1991

In force internationally September 9, 1997

Agreement/Protocol/Convention Summary

It has been signed by 22 countries and ratified by 16 so far.

This Protocol (Geneva Protocol) sets out options for emission reduction targets including variations on a 30% reduction in emissions of volatile organic compounds (VOCs) by 1999, or a stabilization of 1988 levels by 1999, if emissions levels in 1988 did not exceed certain specified levels. Canada signed this Protocol with the intention of reducing VOC emissions by 30% in the Lower Fraser Valley and the Windsor-Quebec Corridor, where smog problems are most severe. It has been signed by 22 countries and ratified by 17 as of July 1, 1999.

Agreement/Protocol/Convention Commitments

Canada is required to reduce its annual emissions of volatile organic compounds (VOCs) from Tropospheric Ozone Management Areas specified in Annex I by at least 30% by the year 1999 using 1988 levels as a basis, and ensure that total national annual emissions of VOCs by the year 1999 do not exceed the 1988 levels. While some VOC reductions in these areas have occurred, they have been less than 30% therefore Canada has not ratified the Protocol. Canada must commence negotiating, no later than six months after the date of entry into force of the Protocol, on further steps to reduce national annual emissions of VOC or transboundary fluxes. Canada is also required to report on emissions and national strategies and policies.

Environment Canada Action Required

Environment Canada is the lead. It must facilitate emission reductions, "second step" negotiations, and report on emissions, national strategies and policies.

Environment Canada Activities

Canada signed the Protocol in 1991 based on Ministerial approval of the nitrogen oxides (NOx)/volatile organic compounds (VOCs) Management Plan, at the Canadian Council of Ministers for the Environment (CCME) which included a wide range of federal and provincial initiatives and measures to reduce NOx and VOCs.

Canada cannot ratify the Protocol since the 30% reduction in VOCs cannot be shown to be occurring by 1999 in the Tropospheric Ozone Management Areas in British Columbia, Ontario or Quebec. Canada has been discussing second-step reductions under the Protocol to Abate Acidification, Eutrophication and Ground-Level Ozone discussions since 1995. This new Protocol will address emissions of sulphur, NOx, VOCs, and ammonia. Negotiations are due to be completed in 1999.

Canada reports annually to the United Nations Economic Commission for Europe (UN ECE) Secretariat on emissions, monitoring and national strategies and policies.

Evidence of Compliance

Not ratified due to not meeting targets specified in the Protocol.

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Web Site(s)

<http://www.unece.org/env>



**Convention on Long-Range Transboundary Air Pollution (LRTAP)
Protocol on Further Reductions of Sulphur Emissions**

Lead Department: Environment Canada

Subject Category: Air

Agreement/Protocol/Convention Status

Signed June 14, 1994

Ratified July 8, 1997

In force in Canada August 5, 1998

In force internationally August 5, 1998

Agreement/Protocol/Convention Summary

This Protocol (second sulphur dioxide (SO₂) Protocol of the Convention on Long-Range Transboundary Air Pollution), also known as the 1994 Oslo Protocol, sets long-term targets for reductions in sulphur emissions using an effects-based approach. The effects-based approach means that there is a differentiation of emissions reduction obligations for Parties to the Protocol. It aims to gradually attain critical loads using best available technology, energy savings, application of economic instruments, and other considerations.

Agreement/Protocol/Convention Commitments

Canada was, and is, required to reduce its national annual sulphur emissions or their transboundary fluxes by at least 30% as soon as possible and at the latest by 1993, using 1980 levels as the basis for calculation of reductions. As well, Canada is not to increase its emissions of national annual sulphur or their transboundary fluxes beyond the 30% reduction. Canada is also required to report annually on emissions and national strategies and policies.

Environment Canada Action Required

Environment Canada is the lead. It must facilitate reduction of sulphur emissions by at least 30%, and reporting on emissions and national strategies and policies.

Environment Canada Activities

Canada has met its obligations to reduce sulphur emissions (Canada was 18% below the cap at 2.65 Kt in 1995).

Canada also reports annually to the United Nations Economic Commission for Europe (UN ECE) Secretariat on emissions, monitoring, and national strategies, and policies.

Evidence of Compliance

Canada's annual report to the United Nations Economic Commission for Europe Secretariat.

Environment Canada Contact(s):

Steve Hart, Environmental Protection Service, Tel: (819) 994-2493; Fax: (819) 953-9547

Jessica Thomson, Environmental Protection Service, Tel: (819) 994-3037; Fax: (819) 994-0549

Web Site(s)

<http://www.unece.org/env>



**Convention on Long-Range Transboundary Air Pollution (LRTAP)
Protocol on Long-Term Financing of Cooperative Programmes for Monitoring and Evaluation of
the Long-Term Transmission of Air Pollutants in Europe (EMEP)**

Lead Department: Environment Canada

Subject Category: Air

Agreement/Protocol/Convention Status

Signed October 3, 1984
Ratified December 4, 1985
In force in Canada January 28, 1988
In force internationally January 28, 1988

Agreement/Protocol/Convention Summary

The monitoring and evaluation of long-range transmission of pollutants is an integral component of the 1979 Convention on long-range Transboundary Air Pollution. EMEP has three main components: collection of emissions data; measurement of air and precipitation quality; and modelling of the movement of air pollution. The 1984 protocol established ongoing funding for a monitoring programme that is critical to support work under the Convention where review and assessment of air pollution in Europe is required. The protocol establishes funding based for the most part on annual mandatory contributions from countries covered by the geographic scope of the EMEP. Voluntary contributions can be made by countries such as Canada which are outside the geographic scope of the EMEP.

Agreement/Protocol/Convention Commitments

Canada is not obligated by the Protocol to contribute financially in support of EMEP, but can voluntarily contribute. Canada does make voluntary contributions. Canada is, however, required to cooperate to collect emission data for sulphur dioxides (SO₂), nitrogen oxides (NO_x), and Volatile Organic Compounds (VOCs), and other air pollutants. In its compilation of emission inventories, Canada uses methods that are comparable to those in the UN ECE emissions inventory guidebook to ensure that data collected is consistent and compatible with other Parties to the Protocol. In addition, Canada must measure air and precipitation quality, as well as model atmospheric dispersion.

Environment Canada Action Required

Environment Canada is the lead. It must cooperate to collect emission data, measure air and precipitation quality, and model atmospheric dispersion.

Environment Canada Activities

Canada has reported annually on emissions, monitoring, and national strategies and policies to the United Nations Economic Commission for Europe (UN ECE) Secretariat. As well, Canada has made voluntary contributions under this Protocol.

Canada participates in harmonization of emission methodologies and uses methodologies that are harmonized with UN ECE Parties.

Evidence of Compliance

Canada's annual report to the United Nations Economic Commission for Europe Secretariat.

Environment Canada Contact(s):

Steve Hart, Environmental Protection Service, Tel: (819) 994-2493; Fax: (819) 953-9547
Jessica Thomson, Environmental Protection Service, Tel: (819) 994-3037; Fax: (819) 994-0549

Web Site(s)

<http://www.unece.org/env>



United Nations Framework Convention on Climate Change (UNFCCC)

Lead Department: Environment Canada

Subject Category: Air

Agreement/Protocol/Convention Status

United Nations Framework Convention on Climate Change

Signed May 9, 1992

Ratified June 12, 1992

In force in Canada March 21, 1994

In force internationally December 4, 1992

Kyoto Protocol

Signed April 29, 1998

Not yet ratified

Agreement/Protocol/Convention Summary

The United Nations Framework Convention on Climate Change (UNFCCC) was adopted May 9, 1992 at the United Nations Conference on Environment and Development (UNCED) held in Rio. The Convention was signed by over 150 states, and entered into force on March 21, 1994, 90 days after the 50th ratification was received. The ultimate objective of the convention is to "stabilize greenhouse gas (GHG) concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system". In the Convention, developed countries committed to put in place policies and measures with the aim of returning greenhouse gas emissions to 1990 levels by 2000. At the second Conference of the Parties (CoP) to the UNFCCC in Geneva in July 1996, there was general acknowledgement that the Annex 1 countries (developed countries) including Canada, were experiencing considerable difficulty in reaching the 1990 emission stabilization target by 2000. At the third CoP in Kyoto, Japan, in early December 1997, a legally binding instrument was negotiated; the Kyoto Protocol commits developed countries to reduce their overall greenhouse gas emissions by five percent by 2012. The Protocol will enter into force once it has been ratified by 55 countries representing at least 55% of the CO₂ emissions emitted by Annex 1 countries in 1990.

Agreement/Protocol/Convention Commitments

The aim of Annex I Parties (including Canada) under the Convention is to return emissions of greenhouse gases (GHG) to their 1990 levels by the year 2000.

Canada's commitment under the Kyoto Protocol is to reduce net GHG emissions (covering six GHG and 'sinks') six percent below 1990 levels between 2008 and 2012. The six GHG emissions include: carbon dioxide; methane; nitrous oxide; hydrofluorocarbons; perfluorocarbons; and sulphur hexafluoride. Presently, 'sink' activities refer to net removals of GHG emissions resulting from direct human-induced land-use change and forestry activity limited to afforestation, deforestation, and reforestation.

Under the Convention, Canada is required to provide emissions data, on an annual basis, and national communications (every other year) on its progress in reducing its net GHG emissions, policies and measures enacted and financial and technological resources transferred to developing country Parties to assist them in combating climate change.

Under articles 4.1 (g) and 5 of the Convention, governments have committed to systematic observations of the climate system as well as research on climate change impacts.

Environment Canada Action Required

Within the federal government, Environment Canada has the government-wide lead for:

- setting environmental policy;
- managing science;
- leading international climate change negotiations at the Ministerial level;
- developing and implementing a national public education and outreach strategy;
- policy development for international emissions trading and sinks;



- analyzing the health and environment benefits of actions to reduce greenhouse gas (GHG) emissions;
- preparing annual emissions inventories; and
- developing and implementing the federal communications strategy in cooperation with Natural Resources Canada.

The department also has a major supporting role on climate change technology development and deployment. More generally, Environment Canada is, with Natural Resources Canada and the Climate Change Secretariat, one of the core departments responsible for developing the federal government's position on all aspects of climate change.

Environment Canada Activities

The Government of Canada, in partnership with the provinces and territories, has launched a comprehensive, inclusive, National Climate Change Process. More than 450 experts on 16 Issues Tables are identifying best practices opportunities, strategies, and options for achieving Canada's Kyoto target. The Issues Tables are to report during 1999. Based on the results of the Issues Tables, federal, provincial and territorial officials will develop a National Implementation Strategy framework and some immediate measures for consideration by energy and environment ministers in 2000.

In October 1998, the federal government announced details of the Climate Change Action Fund, a three year, \$150 million initiative to support the national and international process, and to spur action in the areas of technology applications, public education, and science.

Pursuant to Articles 4.1 (g) and 5 of the Convention, Environment Canada, through the Meteorological Service of Canada (MSC), deploys and maintains the necessary infrastructure to provide Canada's contribution to the Global Climate Observing System (GCOS). Environment Canada - MSC, with its partners in the IPCC, the World Climate Research Programme (WCRP) and other government department's, conduct research on the climate system. One focus is to improve our understanding on the role that forests and agricultural soils play in the global carbon cycle. A second focus is on climate change impacts in the Arctic. The Arctic Climate System Study under WCRP and Cryosphere and Climate (CLIC) under the International Global Water and Energy Cycle Experiment (GEWEX) are two enormous research efforts in progress.

Through research and development on coupled ocean-atmosphere climate models, EC - MSC is improving its predictive capabilities on seasonal to decadal timeframes; Canadian expertise in this field is highly respected worldwide.

Evidence of Compliance

At their fall 1996 meeting, federal and provincial energy and environment ministers acknowledged that Canada would not succeed in returning greenhouse gas emissions to 1990 levels by 2000. Virtually all other developed countries will not achieve their goals as well. However, measures that have been put in place in Canada have significantly limited the growth in our emissions. Under the Kyoto Protocol, each developed country Party must demonstrate progress in achieving its commitments by the year 2005. However, the basis for which Parties' compliance to their commitments under the Kyoto Protocol will be assessed are emissions during the years 2008 through 2012.

Environment Canada Contact(s): Wayne Moore, Policy and Communications, Tel: (819) 994-1659; Fax: (819) 953-5787

Web Site(s) <http://www.unfccc.de/>



Vienna Convention for the Protection of the Ozone Layer

Lead Department: Environment Canada

Subject Category: Air

Agreement/Protocol/Convention Status

Signed March 22, 1985

Ratified June 4, 1986

In force in Canada September 22, 1988

In force internationally September 22, 1988

Agreement/Protocol/Convention Summary

To establish a framework for cooperation, development of policies, and formulation of agreed measures in order to protect human health and the environment against adverse effects resulting or likely to result from human activities which modify or are likely to modify the ozone layer [art. 2(1)(2)]. Specific obligations relating to the control and elimination of ozone-depleting substances (ODS) are contained in the Montreal Protocol on Substances that Deplete the Ozone Layer.

Agreement/Protocol/Convention Commitments

Canada is required to:

- take appropriate measures to protect human health and the environment against adverse effects resulting from human activities which modify, or are likely to modify, the ozone layer;
- initiate and cooperate with other Parties in the conduct of research and scientific assessments;
- facilitate and encourage the exchange of scientific, technical, socio-economic, commercial, and legal information relevant to the Convention;
- cooperate with other Parties in promoting the development and transfer of technology and knowledge; and
- transmit to the Conference of the Parties (COP) information on the measures adopted by them in the implementation of the Convention and Protocol.

Environment Canada Action Required

Environment Canada is the Lead Department and is responsible for implementing the commitments of the Vienna Convention.

Environment Canada Activities

Environment Canada regularly undertakes monitoring of stratospheric ozone levels and ultraviolet radiation. Environment Canada actively supports the expansion of the Global Ozone Observation System to the tropics and southern hemisphere, notably by participating in network meetings of the Latin American and Caribbean region and making presentations on UV-B radiation and its implications on human health and the environment. With respect to the non-scientific aspects of the Vienna Convention, these are being met by the implementation of the Montreal Protocol on Substances that Deplete the Ozone Layer.

Evidence of Compliance

The activities undertaken by Environment Canada mentioned above, and in support, of the Montreal Protocol demonstrate compliance to the Vienna Convention.

Environment Canada Contact(s):

John Hilborn, Environmental Protection Service, Tel: (819) 953-4680; Fax: (819) 994-0549

Web Site(s)

<http://www.unep.org/ozone/vienna.htm>
<http://www.unep.org/ozone/montreal.htm>



**Vienna Convention for the Protection of the Ozone Layer
Protocol on Substances that Deplete the Ozone Layer (Montreal Protocol)**

Lead Department: Environment Canada

Subject Category: Air

Agreement/Protocol/Convention Status

Signed September 1, 1987

Ratified June 30, 1988

In force in Canada January 1, 1989

In force internationally January 1, 1989

London Amendment

Signed June 29, 1990; Ratified July 5, 1990; In force August 10, 1992

Copenhagen Amendments

Signed November 22, 1992; Ratified March 16, 1994; In force June 16, 1994

Montreal Amendments

Signed September 25, 1995; Ratified March 27, 1998; In force November 10, 1999

Agreement/Protocol/Convention Summary

To prescribe precautionary measures in order to equitably control and eventually eliminate total global emissions of ozone depleting substances (ODS). To this end, Parties must gradually phase-out production and consumption of ODS, as well as reduce and eliminate trade in these substances.

Agreement/Protocol/Convention Commitments

Parties are required to reduce or eliminate their production and consumption of ozone depleting substances (ODS) identified in the Protocol. (Consumption is defined as production plus imports minus exports of controlled substances).

The phase-out schedule is as follows, (subject to essential uses authorizations):

- Halons: 100% elimination by January 1, 1994;
 - chlorofluorocarbons (CFCs), HBFCs, Methyl Chloroform, Carbon Tetrachloride: 100% elimination by January 1, 1996;
 - hydrochlorofluorocarbons (HCFCs): Freeze by January 1, 1996; 100% elimination by January 1, 2030; and
 - Methyl Bromide: Freeze by January 1, 1995; 100% elimination by January 1, 2005.
- (Developing countries have on average a 10-15 year grace period to meet these targets).

Trade measures:

- Parties are required to ban the import and export of controlled substances, as well as of products relying on the use of these substances, from and to states not party to the Protocol;
- Parties are to implement a licensing system for the import and export of new, used, recycled, or reclaimed controlled substances, from and to other Parties to the Protocol; and
- Parties are to implement measures to control the import and export of products and equipment relying on the use of controlled substances, from and to other Parties to the Protocol.

Reporting obligations:

- Parties are to provide annual statistical data to the Secretariat of the Protocol on their production and consumption of controlled substances, as well as on their imports and exports of controlled substances.

Financial Obligations:

- Parties are to contribute to the functioning of the Protocol's Secretariat. Industrialized countries also contribute to the Protocol's Trust Fund to assist developing country participation, as well as to the Protocol's Multilateral Fund to assist developing countries meet their commitments under the Protocol.



Environment Canada Action Required

Environment Canada is the lead and is advised by the Department of Foreign Affairs and International Trade (DFAIT) as well as Agriculture and Agri-Food Canada (AAFC), Industry Canada (IC), Health Canada (HC), and the Canadian International Development Agency (CIDA) on certain issues.

Environment Canada is required to:

- ensure that all control measures regarding ozone depleting substances (ODS) are put into place;
- regulate imports and exports of ODS and certain products;
- compile an annual report to the Secretariat; and
- contribute resources to the administration of the Protocol and to the Multilateral Fund (Environment Canada contributes 20% of the Government of Canada's contribution to the Multilateral Fund, while CIDA contributes the remaining 80%).

Environment Canada Activities

Environment Canada regulates the import and export of ozone depleting substances (ODS) under the Canadian Environmental Protection Act (CEPA) which includes the Ozone Depleting Substance Regulations (ODSR) and the Ozone Depleting Substance Products Regulations (ODSPR). Amendments to these are made as required to reflect further reduction and revised phase-out schedules adopted by the Parties to the Montreal Protocol.

Environment Canada has developed two Environmental Codes of Practice, for both the private and public sectors, recommending practices for pollution prevention, emission reduction, environmental management and preventative maintenance, alternatives, and the phase-out of ODS use from existing systems and equipment.

Environment Canada coordinates the activities of the Federal-Provincial Working Group on Controls Harmonization to develop Canada's National Action Plan for the Environmental Control of ozone depleting substances (ODS) and their Halocarbon Alternatives.

Environment Canada compiles an annual report for each class of ozone depleting substances (ODS).

The United Nations Environment Programme (UNEP) receives the reporting information for Canada and all countries which are signatories to the Montreal Protocol.

Environment Canada contributes 20% of the Canadian contribution to Multilateral Fund, and also contributes to the Protocol's Trust Fund to assist developing country participation.

Evidence of Compliance

Canada's annual report under the Protocol demonstrates that it is in compliance with all control and trade provisions. Statistical data on production and consumption of ozone depleting substances (ODS) indicates that Canada is in compliance with the phase-out schedules prescribed by the Protocol.

Environment Canada Contact(s):

John Hilborn, Environmental Protection Service, Tel: (819) 953-4680; Fax: (819) 994-0549

Web Site(s)

<http://www.unep.org/ozone/vienna.htm>
<http://www.unep.org/ozone/montreal.htm>



AIR/FRESHWATER/OCEANS





Convention of the World Meteorological Organization (WMO)

Lead Department: Environment Canada

Subject Category: Air/Freshwater/Oceans

Agreement/Protocol/Convention Status

As of June 1999, there were 185 Members, comprising of 179 Member States and six Member Territories, all of which maintain their own Meteorological and Hydrological Services; Canada was a founding member and signatory to the Convention of the World Meteorological Organization (WMO) in 1947.

Agreement/Protocol/Convention Summary

The purposes of the World Meteorological Organization (WMO) are to:

- facilitate international cooperation in the establishment of networks of stations for making meteorological, hydrological and other observations;
- promote the rapid exchange of meteorological information, the standardization of meteorological observations, and the uniform publication of observation and statistics; further the application of meteorology to, inter-alia, transportation, agriculture, and other human activities; promote operational hydrology;
- encourage research and training in meteorology;
- contribute to the safety of life and property, the socio-economic development of nations, and the protection of the environment.

The WMO has formal Agreements with other United Nations (UN) Organizations and the United Nations Environment Programme (UNEP) [United Nations Educational, Scientific, and Cultural Organization-International Ornithological Congress (UNESCO-IOC), the Food and Agricultural Organization (FAO), the International Atomic Energy Association (IAEA), and the United Nations Department of Humanitarian Affairs (UNDHA)], Secretariats of Environmental Conventions and Protocols [UN-Framework Convention on Climate Change (FCCC), UN Convention to Combat Desertification (UN-CCD), Montreal Protocol], International Decade for Natural Disaster Reduction (IDNDR), the International Panel on Climate Change (IPCC), and the International Council of Scientific Unions (ICSU). The WMO provides the authoritative scientific voice on the state and behaviour of the Earth's atmosphere and climate.

Agreement/Protocol/Convention Commitments

Through our signature on this Agreement, Canada is committed to contribute to the programmes of the World Meteorological Organization (WMO) through systematic observations of the earth-atmosphere-ocean system (including the cryosphere) and to archive this information for use in research and the compilation of statistics. Through the World Weather Watch, we ensure that real time weather information is shared amongst nations for the purpose of providing early warning, and therefore mitigation, of natural disasters. Canada is also committed to the enhancement of the technical and scientific capacity of developing national meteorological and hydrological services through various WMO programmes (e.g. education and training and technical cooperation programmes).

Through the WMO, Environment Canada contributes to the worldwide implementation of the climate agenda. The WMO leads on Thrust 3, "Climate services for sustainable development" and has joint responsibility of Thrust 1, "New frontiers in climate science and prediction" and Thrust 4, "dedicated observations of the climate system" under guidance effected through cross-membership of the scientific committees of the International Geosphere - Biosphere Programme (IGBP), the International Council for Science (ICSU), the International Human Development Programme (IHDP), and the Inter-Agency Committee for Climate Change Agenda (IACCA). We contribute through the maintenance of Canada's contribution to the Global Climate Observing System, and by sharing our research efforts with other member states.

Environment Canada Action Required

Canada is represented regularly at meetings of the World Meteorological Organization (WMO) Policy Organs (WMO Congress and Executive Council) and other Constituent Bodies (e.g. Technical Commissions and Regional Association IV) by the Meteorological Service of Canada (MSC) staff, and occasionally staff from other Federal Departments. The Permanent Representative of Canada with the WMO is Dr. Gordon McBean (Assistant Deputy Minister - Meteorological Service of Canada). Environment Canada expertise is sought for, and offered to both, regional and international working groups of experts; Canada selectively participates where there are explicit benefits to national programmes.



Environment Canada Activities

Environment Canada is a key partner in global efforts to understand the ocean-atmosphere system with the goal of enhancing our collective abilities to protect humankind from the environment and to inform humankind of their effect on the environment. Environment Canada uses international mechanisms to promote the interchange of ideas and expertise to advance our knowledge of inter-alia, climate variability and change, ozone depletion, transboundary air and water issues, environmental emergency response, and environmental predictions including weather warnings.

By participating in the preparation and implementation of the integrated long-term plan for the World Meteorological Organization (WMO), Environment Canada seeks to ensure that Canadian priorities are represented and the free and unrestricted exchange of meteorological, hydrological, and other environmental data and products continues.

Evidence of Compliance

Canada's expertise and participation in the work of the Organization is actively sought. Environment Canada's Canadian Meteorological Centre provides data to the world for the geographic region of Canada and surrounding waters. It also acts as a Regional Specialized Meteorological Centre (RSMC) for Environmental Emergency Response, and is designated as a Volcanic Ash Advisory Centre by the International Civil Aviation Organization (ICAO). The World Ozone and UV Data Centre is housed at the Meteorological Service of Canada (MSC) headquarters in Downsview. Environment Canada maintains a monitoring network consisting of land stations, ocean observing platforms, aerological stations, and a sophisticated Ice Service. Environment Canada also maintains the Baseline Air Chemistry Observatory at Alert - Northwest Territories, where a broad range of measurements are conducted as part of the Global Atmosphere Watch network. Canada historically pays its Assessed Contributions to the United Nations Specialized Agencies "in full and on time"; payment (approximately \$1.8 million) is made from the Meteorological Service of Canada budget.

Environment Canada Contact(s): Bruce Angle, Meteorological Service of Canada, Tel: (819) 997-3844; Fax: (819) 994-8854

Web Site(s) <http://www.wmo.ch/>



BIODIVERSITY





Agreement between Canada and the U.S. on the Conservation of the Porcupine Caribou Herd

Lead Department: Environment Canada

Subject Category: Biodiversity

Agreement/Protocol/Convention Status

Signed July 17, 1987

Ratified July 17, 1987

In force in Canada July 17, 1987

In force internationally July 17, 1987

Agreement/Protocol/Convention Summary

The Porcupine Caribou Herd migrates across the Canada/United States border. The Agreement promotes international cooperation and coordination to conserve the Herd and its habitat so that the risk of irreversible damage or long-term adverse effects as a result of use of caribou or their habitat is minimized. The Agreement also aims at ensuring opportunities for customary and traditional uses of the Porcupine Caribou by Alaskan rural residents and native and other users of the Yukon and the Northwest Territories, and at enabling the users of Porcupine Caribou to participate in the international coordination of the conservation of the Porcupine Caribou Herd and its habitat.

Agreement/Protocol/Convention Commitments

Canada must:

- implement the Agreement;
- co-chair the International Board;
- produce alternating annual reports;
- co-operate and co-ordinate with the United States and Alaska Management Agencies; and
- appoint a member to the Porcupine Caribou technical committee.

Environment Canada Action Required

Environment Canada is the lead. It is required to support and coordinate Canadian response to the decisions and recommendations of the bilateral Board created under the Agreement.

Environment Canada Activities

Achievements of the Board include appointment of a technical committee, the development of an international conservation plan, the production of a sensitive habitats report, and the tabling of four "annual" reports. To date no major habitat issue has been tabled requiring Board recommendations. Ongoing activities include the standardization of harvest reports, the issue of transboundary transportation of caribou between communities, the production of a summer ecology report detailing the most sensitive time of year for the herd, and the assessment of present management regimes within the range of the herd.

Evidence of Compliance

The International Conservation Plan, Sensitive Habitats Report, and Annual Reports.

Environment Canada Contact(s): Don Russell, Environmental Conservation Service, Tel: (867) 393-6700; Fax: (867) 667-7962

Web Site(s)



Agreement on the Conservation of Polar Bears

Lead Department: Environment Canada

Subject Category: Biodiversity

Agreement/Protocol/Convention Status

Signed November 15, 1973

Ratified December 14, 1974

In force in Canada May 26, 1976

In force internationally May 26, 1976

Agreement/Protocol/Convention Summary

This Agreement is intended to protect the polar bear as a significant resource of the Arctic region through conservation and management measures, including prohibitions against taking of polar bears, trade in polar bears or polar bear parts, and ecosystem protection measures. There are exemptions from the prohibition in the Agreement including continued harvest by local people using traditional means, scientific research, or for conservation purposes. All five Arctic nations with jurisdiction over areas where polar bears are distributed (Canada, Denmark, Norway, the United States, and the former U.S.S.R.) are signatories to the Agreement.

Agreement/Protocol/Convention Commitments

Canada is required to:

- protect polar bears and their habitat; and
- manage polar bears according to "sound conservation practices".

Environment Canada Action Required

Environment Canada is the lead. Although the Agreement was signed by the Federal Government on behalf of all the jurisdictions, the responsibility for the management of polar bears in Canada lies with the Provinces and Territories.

Environment Canada Activities

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is the primary vehicle for Federal Government management of polar bears.

International coordination of polar bear research and management plus adherence to the spirit of the Agreement is through membership by Canadian Wildlife Service scientists in the World Conservation Union/Species Survival Commission (IUCN/SSC) Polar Bear Specialist Group.

Evidence of Compliance

Polar bear research and management are coordinated through two national committees, the Polar Bear Technical Committee and the Polar Bear Administrative committee. These committees are made up of scientists and administrators respectively who meet annually to evaluate ongoing research and management and to plan and implement new activities in response to perceived needs. Scientists from Environment Canada play a key role in leading and coordination of these two Committees.

Canada's reports under the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRIITA), Canada's National Report to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Secretariat and Canada's reports on management and research to periodic meetings of the World Conservation Union/Species Survival Commission (IUCN/SSC) Polar Bear Specialist Group.

Environment Canada Contact(s):

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Nick Lunn, Prairie and Northern Region, Tel: (780) 435-7208; Fax: (780) 435-7359

Web Site(s)

<http://www.wcmc.org.uk/CITES/eng/index.shtml>



Convention for the Protection of Migratory Birds in the United States (US) and Canada

Lead Department: Environment Canada

Subject Category: Biodiversity

Agreement/Protocol/Convention Status

Signed August 8, 1916

In force in Canada December 16, 1916

In force internationally December 7, 1916

Ratified December 16, 1916

Amending Protocol signed December 14, 1995

Amending Instruments Exchanged October 7, 1999

Will come into force in Canada during 2000 upon Ministerial Order.

Agreement/Protocol/Convention Summary

In the early part of the twentieth century, the lack of a uniform system of protection for migratory birds had resulted in many species being put at risk of extinction. Regulations had been established by various states and provinces, and later by the United States government, but these were too often based on local interests, and had failed to stop the decline of birds. It was felt that international agreement was needed if the birds were to be protected throughout their life cycle. Recognizing that conservation of migratory birds is a joint responsibility of the two countries, Canada and the United States adopted the Convention in 1916. Taking into account the great value of migratory birds for food as well as their role in protecting ecosystems from injurious insects, the Convention exists to preserve both the useful and harmless species of migratory birds and save them from indiscriminate killing. It does this in part by establishing hunting seasons for some species, and maintaining that there be no hunting of others. The Convention allows that the governments may issue permits to take migratory birds for certain purposes, including when birds may become injurious. There are provisions in the 1916 Convention for special allowances for aboriginal peoples. The Amending Protocol modernises the Convention in several respects, notably allowing greater latitude for the take of migratory birds by aboriginal peoples in Canada. The Migratory Birds Convention Act lays out a process for bringing the amended convention into Canadian legislation, and this will be done as soon as practical.

Agreement/Protocol/Convention Commitments

Canada and the United States agree to ensure the long-term conservation of migratory birds by means of regulation, monitoring, enforcement, education, partnership, incentives, and other means.

Canada must develop policy and implement the Migratory Birds Convention Act and the Migratory Birds Regulations, including annual revision of the hunting regulations.

Canada and the United States conduct an annual review to address issues important to the conservation of migratory birds.

Environment Canada Action Required

Environment Canada is the lead. It must:

- develop measures to ensure the long-term conservation of migratory birds and policies to implement the Act;
- facilitate an annual review to address emerging issues under the Convention; and
- coordinate development of regulations with the United States to ensure that the approaches are compatible for shared species.

Environment Canada Activities

Environment Canada is leading the Canadian effort to develop and promote the North American Bird Conservation Initiative; a group of Canadians, Americans, and Mexicans are making a blueprint for bird conservation that the three countries can share.



Under this umbrella, Environment Canada is co-leading development of a national Shorebird Conservation Plan with Wetlands International-Americas, including plans for cooperation throughout the Western hemisphere (Western Hemisphere Shorebird Reserve Network, Canadian Wildlife Service's Latin America Program, and others).

In addition, the Canadian Partners in Flight, a conservation plan focusing on landbirds, is now being implemented with many external partners, and Environment Canada is leading development of a national plan for seabird conservation. In both cases, the plans are coordinated with the United States for shared species.

Environment Canada facilitates annual reviews of emerging issues through the Canada/Mexico/United States Trilateral Committee for Wildlife and Ecosystem Conservation and Management.

Environment Canada coordinates national development of hunting regulations for migratory game birds, based on cooperative programs to monitor population status, and communicates with the United States Fish and Wildlife Service (USFWS) and the United States Flyway Council System.

Evidence of Compliance

Canada's annual reports on the Status of Migratory Game Birds in Canada and Hunting Regulations, Bird Trends and the North American Waterfowl Management Plan, are a major delivery mechanism for the Convention.

Environment Canada Contact(s): David Brackett, Environmental Conservation Service, Tel: (819) 997-1301; Fax: (819) 953-7177

Web Site(s) <http://www1.ec.gc.ca/~cws/mbirds.html>



Convention on Biological Diversity

Lead Department: Environment Canada

Subject Category: Biodiversity

Agreement/Protocol/Convention Status

Signed June 11, 1992

Ratified December 4, 1992

Entered into force December 29, 1993

Agreement/Protocol/Convention Summary

The Convention aims at the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, including appropriate access to those resources and the transfer of relevant technologies, taking into account all rights over those resources and technologies, and to provide for appropriate funding.

Agreement/Protocol/Convention Commitments

Though there are no explicit international targets and schedules, Canada must report to the Conference of the Parties (CoP) on national implementation of the Convention. The frequency and format of reports is yet to be determined, following an analysis of first national reports submitted in 1998. These first reports focus on implementing Article 6, which calls for the development of national strategies and the integration of biodiversity into sectoral and cross-sectoral decision making. As well, Canada must provide financial resources, knowledge and technology for developing country implementation.

Environment Canada Action Required

Environment Canada is the lead, although action by all jurisdictions and other government departments (OGDs) is required. Environment Canada must facilitate:

- federal and national reporting;
- the development of a national strategy;
- provision of financial resources, knowledge and technology for developing country implementation; and
- the development of Canadian negotiating positions for international meetings [including inter-alia Conference of the Parties (CoPs), the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA), Biosafety, Indigenous 8 (j)].

Environment Canada Activities

Environment Canada has facilitated Canadian work to:

- develop the Canadian Biodiversity Strategy, 1995, including formal provincial and territorial endorsement. The strategy provides a national planning framework for the integration of biodiversity conservation and the sustainable use of biological resources into sectoral and cross-sectoral, land, and resource-use decisions. Each jurisdiction has committed to reporting on how it is implementing the Strategy;
- report on federal implementation of the Strategy (Biodiversity in the Forest, Biodiversity in Agriculture, Protected Areas, Learning About Biodiversity, 1997-1998, Conserving Wildlife Diversity, Spring 1998);
- encourage provincial and private sector implementation of the strategy. British Columbia, Quebec, Alberta and Saskatchewan have developed action plans subsequent to their participation in the development of the Strategy. In addition, the private sector and conservation groups have adopted the direction of the Strategy, as is evidenced in several of their plans, programs, and strategies;
- report to the Conference of the Parties (CoP) (Caring for Canada's Biodiversity: Canada's First National Report to the CoPs to the Convention on Biological Diversity, Spring 1998); and
- develop Canadian negotiating positions for five CoPs, four Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) meetings, one international Indigenous meeting, and several Biosafety negotiation sessions.
- increase national accessibility of biological and related data holdings to enable analysis for sound planning and decision-making and to develop the Canadian Biodiversity Information Network (CBIN);
- enhance federal cooperation in the area of Biosystematics;
- signed a Memorandum of Understanding with a number of other Federal agencies (Agriculture and Agri-Food Canada, Natural Resources Canada, Department of Fisheries and Oceans, Canadian Museum of Nature);



- develop a variety of national consultative mechanisms, including the Canadian Open-ended Working Group on Article 8(j), which provides a national focus on indigenous issues under the Convention;
- influence sectoral policies (e.g. agriculture/forestry);
- produce, in cooperation with partners, a variety of education, training, and awareness materials; and
- undertake capacity building initiatives to enhance the participation of developing countries.

Evidence of Compliance

Canada's national reporting.

Environment Canada has facilitated Canadian work to:

- develop the Canadian Biodiversity Strategy, 1995, including formal provincial and territorial endorsement. The strategy provides a national planning framework for the integration of biodiversity conservation and the sustainable use of biological resources into sectoral and cross-sectoral, land, and resource-use decisions. Each jurisdiction has committed to reporting on how it is implementing the Strategy;
- report on federal implementation of the Strategy (Biodiversity in the Forest, Biodiversity in Agriculture, Protected Areas, Learning About Biodiversity, 1997-1998, Conserving Wildlife Diversity, Spring 1998);
- encourage provincial and private sector implementation of the strategy. British Columbia, Quebec, Alberta and Saskatchewan have developed action plans subsequent to their participation in the development of the Strategy. In addition, the private sector and conservation groups have adopted the direction of the Strategy, as is evidenced in several of their plans, programs, and strategies;
- report to the Conference of the Parties (CoP) (Caring for Canada's Biodiversity: Canada's First National Report to the CoPs to the Convention on Biological Diversity, Spring 1998); and
- develop Canadian negotiating positions for five CoPs, four Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) meetings, one international Indigenous meeting, and several Biosafety negotiation sessions.
- increase national accessibility of biological and related data holdings to enable analysis for sound planning and decision-making and to develop the Canadian Biodiversity Information Network (CBIN);
- enhance federal cooperation in the area of Biosystematics;
- signed a Memorandum of Understanding with a number of other Federal agencies (Agriculture and Agri-Food Canada, Natural Resources Canada, Department of Fisheries and Oceans, Canadian Museum of Nature);
- develop a variety of national consultative mechanisms, including the Canadian Open-ended Working Group on Article 8(j), which provides a national focus on indigenous issues under the Convention;
- influence sectoral policies (e.g. agriculture/forestry);
- produce, in cooperation with partners, a variety of education, training, and awareness materials; and
- undertake capacity building initiatives to enhance the participation of developing countries.

Environment Canada Contact(s): John Herity, Environmental Conservation Service, Tel: (819) 953-9669; Fax: (819) 953-1765

Web Site(s)

<http://www.biodiv.org/>
<http://unep.ch/iuc>



Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

Lead Department: Environment Canada

Subject Category: Biodiversity

Agreement/Protocol/Convention Status

Signed March 3, 1973
In force in Canada July 9, 1975
In force internationally July 1, 1975
Ratified April 10, 1975

Agreement/Protocol/Convention Summary

The Convention seeks to control the trade in species of wild animals and plants which are, or may be, threatened with extinction as a result of international trade. For purposes of the Convention, international "trade" includes the international movement of plant and animal species. The Convention applies to both live and dead specimens, as well as their parts and derivatives. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) uses an import/export permit system to regulate trade in species which are listed by CITES in one of three Appendices. Appendix I includes species which are now threatened with extinction and which may not be traded for primarily commercial purposes; "trade" for scientific, captive breeding and other limited uses is permitted under strict conditions. Species in Appendix II are not currently threatened, but may become so if their trade is not controlled. Appendix III contains species which individual countries have listed because they are under special management regimes in that country and require the cooperation of other Parties in the control of trade. (Canada, for example, has listed the walrus in Appendix III). Changes to the Appendix listings are made at the Conferences of the Parties (CoPs), which are held every two to three years. Currently, CITES lists over 30,000 species of animals and plants. Parties also adopt resolutions at each CoP which provide clarification and guidance on the provisions of the Convention and its implementation.

Agreement/Protocol/Convention Commitments

Canada must:

- implement an international system of import/export permits for listed species;
- designate Scientific and Management Authorities;
- take measures to enforce the Convention; and
- forward annual reports to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Secretariat with details on records of trade and biennial reports on legislative, regulatory and administrative actions taken to implement the Convention.

Environment Canada Action Required

Environment Canada is the lead. It must:

- provide a Management and Scientific Authority to administer and oversee the system of import/export;
- issue Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) import/export permits -- includes providing guidance to the Department of Fisheries and Oceans (DFO), which issues permits for fish and marine species and provinces/territories (except Alberta) which issues export permits for provincially managed species;
- coordinate enforcement of the Convention through a network of national and international partners [(Royal Canadian Mounted Police (RCMP), Customs, Interpol, etc.)];
- submit annual and biennial reports to the CITES Secretariat, and report on Canadian activities as required; and lead Canadian delegations to the Conference of the Parties and subsidiary organs.

Environment Canada Activities

Environment Canada administers and enforces the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRIITA) (1996), and Wild Animal and Plant Trade Regulations (1996), which is the domestic legislation for implementation of the Convention in Canada. The second annual report for WAPPRIITA for the year 1997 was tabled by the Minister in Parliament on December 15, 1999.



Customs Memorandum D19-7-1, CITES, outlines the procedures Revenue Canada has in place to assist Environment Canada with the enforcement of CITES with respect to the importation and exportation of CITES controlled goods.

Environment Canada coordinates joint enforcement operations with provinces, other countries, and international wildlife enforcement agencies. Environment Canada represents wildlife enforcement at Interpol and World Customs Organization (WCO).

Memoranda of Understanding (MOUs) have been signed with Alberta, Saskatchewan, Manitoba, the Northwest Territories, and the Yukon for cooperation on administration and enforcement of WAPPRIITA.

Evidence of Compliance

Reports to Parliament under the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRIITA) and Canada's national report to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Secretariat.

Environment Canada Contact(s): David Brackett, Environmental Conservation Service, Tel: (819) 997-1301; Fax: (819) 953-7177

Web Site(s) <http://www.unep.ch/iuc/>
<http://www.wcmc.org.uk/CITES/>



Convention on Wetlands of International Importance (Ramsar 1971)

Lead Department: Environment Canada

Subject Category: Biodiversity

Agreement/Protocol/Convention Status

Signed February 2, 1971
In force internationally December 21, 1975
Acceded January 15, 1981
In force in Canada May 15, 1981

Agreement/Protocol/Convention Summary

Ramsar seeks to identify and secure the designation of sites of international importance and to ensure that these are adequately protected, now and in the future.

Agreement/Protocol/Convention Commitments

Canada is required to:

- implement the "wise use" principles of the Convention in Canada (including wetland policies, awareness programs, legislative review) and cooperate with other Contracting Parties, notably the US and Mexico;
- manage a network of protected wetland sites of international importance in cooperation with provinces, territories and non-governmental organizations (NGOs);
- foster cooperation through joint work plans and Memoranda of Understanding (MOUs) with the Convention on Biological Diversity (CBD), Bonn Convention, the World Wildlife Fund for Nature (WWF), Wetlands International, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and other international treaties and organizations; and
- contribute financially to the Convention.

Environment Canada Action Required

Environment Canada is the lead. It must:

- facilitate policies and principles for wise use of wetlands in Canada;
- facilitate management of a network of protected wetland sites;
- work within the Convention to build international cooperation on wetlands conservation; and
- make financial contributions to the Convention.

Environment Canada Activities

Since accession in 1981, Canada has nominated and received designation of 36 sites as Wetlands of International Importance under the Convention.

Canada has sent national delegations to each Conference of the Parties (CoP), held every three years.

Canada's dues are fully up to date, paid on an annual basis against a United Nations (UN) scale percentage of the annual budget.

Environment Canada has published a national procedures booklet on the process for designating Ramsar sites in Canada agreed to by all the jurisdictional governments; a review of management plans on all Ramsar sites noting 28 of the 36 sites now have a management plan in place or under development as urged by the Convention; a Strategic Overview and recommendations for expansion/future focus of the National Program; and several public information booklets as well as a National Atlas of Canada map focusing on the nature and application of the Convention's programs and goals within Canada.

Canada has tabled National Reports at each CoP and published those for 1993 (CoP5) and 1996 (CoP6) and the CoP7 Report was prepared and is available on the Ramsar Convention Web Site: www.ramsar.org under "National Reports". Canada has worked through the Convention and Ramsar Partners such as the World



Conservation Union (IUCN) and Wetlands International to assist other organizations and governments on a wide variety of wetland and peatland management and conservation policy projects in several countries (including Malaysia, Trinidad and Tobago, Egypt, Australia, Suriname and Mexico).

Canada has worked closely with Mexico and the United States in a continental framework to promote the goals of the Ramsar Convention through the North American Waterfowl Management Plan and the actions of the Trilateral Committee on Wildlife Conservation and Ecosystem Management, including recent establishment of a Trilateral Working Table on Wetlands.

Evidence of Compliance

Canada's national reports.

Environment Canada Contact(s): Clay Rubec, Environmental Conservation Service, Tel: (819) 953-0485; Fax: (819) 994-4445

Web Site(s)

<http://www.ramsar.org>
<http://iucn.org/themes/ramsar/>
<http://www.wetlands.ca>



International Agreement on Humane Trapping Standards

Lead Department: Department of Foreign Affairs and International Trade **Subject Category:** Biodiversity

Agreement/Protocol/Convention Status

Signed December 11, 1997
Ratified June 1, 1999

Agreement/Protocol/Convention Summary

The Agreement requires that traps meet specific performance thresholds related to animal welfare and such traps are to be approved and regulated by the competent authorities who have responsibility for furbearer management which are the provincial governments not the federal government.

Agreement/Protocol/Convention Commitments

Canada is required to:

- meet annually with the European Union (EU) in the Joint Management Committee established under the Agreement;
- retire steel-jawed leghold traps on the land;
- conduct additional research on trap improvement against an agreed set of standards; and
- establish a system of certificate of origin for fur and fur products of Canadian origin destined for the European market.

Environment Canada Action Required

Environment Canada's sole responsibility is to transfer funds to the Fur Institute of Canada for the research into improvements of trapping systems.

Environment Canada Activities

Environment Canada has an agreement with the Fur Institute of Canada to do the research.

The provinces, territories and some aboriginal groups that have finalized land claims are the Competent Authorities under the Agreement and as such are responsible for implementing the Agreement.

Evidence of Compliance

Ratification occurred on June 1, 1999. Compliance reporting not currently in place. Permit system administered by the provinces and territories is in place.

Environment Canada Contact(s): Patricia Dwyer, Environmental Conservation Service, Tel: (819) 953-0289; Fax: (819) 994-4445

Web Site(s)





ECOSYSTEMS





Antarctic Treaty System

Lead Department: Department of Foreign Affairs and **Subject Category:** Ecosystems International Trade

Agreement/Protocol/Convention Status

The Antarctic Treaty, concluded in 1959; entered into force June 23, 1961
Canada acceded to the Treaty as a Non-Consultative Party May 4, 1988

Convention for the Conservation of Antarctic Seals, concluded in 1972; entered into force March 11, 1978.
Canada acceded to the Treaty on May 4, 1988

Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR), concluded in 1980;
entered into force April 7, 1982. Canada acceded to the Treaty May 4, 1988

Protocol on Environmental Protection to the Antarctic Treaty (The Madrid Protocol), concluded in 1991;
entered into force in 1998. Canada signed the Protocol on October 4, 1991.

Agreement/Protocol/Convention Summary

The Antarctic Treaty was signed in Washington, December 1, 1959 and entered into force when ratified by the original twelve Parties (i.e., Argentina, Australia, Belgium, Chile, the French Republic, Japan, New Zealand, Norway, the Union of South Africa, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America) on June 23, 1961. The Treaty is open to accession by all states that are part of the United Nations (UN) system. However, this is not a UN treaty, as its Depository is the United States of America. A distinct characteristic of the Treaty is the two-tiered category of Contracting Parties. Consultative Parties are those Parties that conduct ongoing national research activities in the Antarctic. The other group consists of Non-Consultative Parties that do not have such activities in the region, but have ratified or acceded to the Treaty's principles and provisions. Currently, there are 27 Consultative Parties and 16 Non-Consultative Parties.

Although the Antarctic Treaty was established to promote international cooperation in scientific investigation and to ensure that the continent of Antarctica was to be used solely for peaceful purposes, there are no provisions specifically addressing environmental issues. Associated agreements that have since been developed by the Antarctic Consultative Meetings include:

- Agreed Measures for the Conservation of Antarctic Fauna and Flora (1964);
- Convention for the Conservation of Antarctic Seals (CCAS) (1972);
- Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR) (1980); and
- Protocol on Environmental Protection to the Antarctic Treaty (The Madrid Protocol) (1991).

The above-mentioned agreements, together with the Antarctic Treaty comprise the Antarctic Treaty System.

Agreement/Protocol/Convention Commitments

Agreed Measures for the Conservation of Antarctic Fauna and Flora (1964) requires Contracting Parties to take appropriate action to carry out the Agreed Measures addressing:

- specially protected species;
- specially protected areas;
- importation of animals and plants; and
- precautions to prevent accidental introduction of parasites and diseases into the Treaty area.

In the Convention for the Conservation of Antarctic Seals (1972), Contracting Parties have agreed to protect the species of seals listed below in the Convention area, any kill or capture of such species shall be in accordance with the provisions of the Convention; and Contracting Parties will adopt appropriate measures to ensure implementation of the Convention. This is not a UN treaty, as its Depository is the United Kingdom. Annual reports are submitted on any sealing activity in the Convention area.



The Convention applies to following species of seals:

- Southern elephant seal (*Mirounga leonina*);
- Leopard seal (*Hydrurga leptonyx*);
- Weddell seal (*Leptonychotes weddelli*);
- Crabeater seal (*Lobodon carcinophagus*);
- Ross seal (*Ommatophoca rossi*); and
- Southern fur seals (*Arctocephalus sp.*).

The Convention for the Conservation of Antarctic Marine Living Resources (1980) focuses on the safeguarding the environment and protecting the integrity of the ecosystem of the seas surrounding the Antarctica; in particular, the conservation of the marine living resources found there. Likewise, this is not a UN treaty, as its Depository is Australia.

Contracting Parties are required to conduct any harvesting or associated activity based on the following principles of conservation:

- maintain stable population levels of any harvested species;
- maintain ecological relationships between harvested, dependent and related populations of Antarctic marine living resources; and
- minimization of risk of irreversible changes in the marine ecosystem.

Although Canada has acceded to the Convention, Canada has not become a member of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), or of the Scientific Committee. Canada's membership to the Commission would be subject to a compulsory fee of US\$ 50,000 with an additional fee based on total allowable catch taken. The Commission is similar to that of the International Whaling Commission (IWC) as it has a Scientific Committee that facilitates research, compilation of data, analysis, identification of conservation need, and formulation, adoption, and revision of conservation measures.

Only Contracting Parties to the Antarctic Treaty can become Party to the Protocol on Environmental Protection to the Antarctic Treaty (1991). Contracting Parties to the Protocol have agreed to undertake the necessary and appropriate measures to ensure comprehensive protection of the Antarctic environment and dependent and associated ecosystems, designating Antarctica as a natural reserve, devoted to peace and science. This would be achieved through the application of environment impact assessment; prohibition of mineral resource activities; environmental emergency response actions; application of additional measures for conservation of Antarctic Flora and Fauna (Annex 2); environmentally sound waste management (Annex 3); marine pollution (Annex 4); and designated protected areas (Annex 5). Annual reports are submitted on actions taken to implement the Protocol.

Environment Canada Action Required

Environment Canada has provided technical advice to the Department of Foreign Affairs and International Trade (DFAIT). Many of the above-mentioned activities fall under the subject area of expertise of Environment Canada scientists, combined with their experience and activity in the Antarctic since the 1970s.

In the 1990s, the Meteorological Service of Canada (MSC) created the position of Polar Affairs Coordinator with responsibilities for both Arctic and Antarctic interests of MSC; which provided Canada's technical input to many Antarctic meetings. Since 1993, a representative from Environment Canada has assisted DFAIT at the Antarctic Treaty Consultative Meetings (ATCM), including acting as representative when the Ambassador for Circumpolar Affairs was unable to be present.

Environment Canada Activities

In addition to attending the Antarctic Treaty Consultative Meetings (ATCM), Environment Canada has assisted in the interdepartmental coordination of and preparation for these meetings, including the submission of the annual report to the ATCM on 'Developments in the Arctic of Relevance to the Antarctic', which will now be done by the United States, current Chair of the Arctic Council.

Environment Canada's activity in polar and bi-polar scientific affairs is focused on weather observation and monitoring; climate and climate change research; stratospheric ozone; long-range pollutant studies; glaciology and terrestrial water balance investigations; and a range of scientific studies related to sea birds and marine



mammals. All of which are related to Antarctic activities under the auspices of the Treaty System as well as departmental programs.

Evidence of Compliance

Canada generally complies with the obligations of the Antarctic Treaty System from its attendance in the Antarctic Treaty Consultative Meetings (ATCM), submission of annual report and participation as an observer in subsidiary activities in the Committee for Environmental Protection and its associated working groups.

Reports have been submitted to the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) and the Convention for the Conservation of Antarctic Seals (CCAS).

Although Canada has signed the Protocol, it has yet to accede to the Protocol. As a Contracting Party to the Treaty combined with signature to the Protocol, Canada has indicated its intent on complying with the provisions of the Protocol. However, as the Government of Canada has not developed any implementing legislation to ensure legal compliance of the Protocol, Canada is only able to make 'best efforts' on compliance. Furthermore, as a non-Party to the Protocol, Canada is only an observer to the Committee for Environmental Protection, responsible for implementation of the Protocol.

Secondly, the Protocol is now in force, as all Consultative Parties have ratified the Protocol (i.e., it would only enter into force once all of the Consultative Parties have ratified or acceded to the Treaty). Since the Protocol's entry into force, Canada has been under considerable pressures prior to, during and following each ATCM by many of the Contracting Parties.

Accession to the Protocol will only be possible following development of the required legislation in a number of existing statutes, this effort is being considered through an interdepartmental process.

Environment Canada Contact(s): Ruth McKechnie, Environmental Conservation Service, Tel: (819) 997-1487; Fax: (819) 997-3822

Web Site(s) <http://www.icair.iac.org.nz/treaty/>



Arctic Council

Lead Department: Department of Foreign Affairs and International Trade / Department of Indian Affairs and Northern Development **Subject Category:** Ecosystems

Agreement/Protocol/Convention Status

Signed in 1996

Agreement/Protocol/Convention Summary

The Agreement establishes the Arctic Council to provide a means for promoting cooperation, coordination, and interaction among the Arctic States, with the involvement of the Arctic indigenous communities and other Arctic inhabitants on common Arctic issues. In particular, the Council is to focus on issues of sustainable development and environmental protection in the Arctic. The Council adopts terms of reference for, and oversees and coordinates a sustainable development program, as well as disseminates information, encourages education, and promotes interest in Arctic-related issues.

Following the Fourth Arctic Environmental Protection Strategy (AEPS) Ministerial meeting held in Norway in June 1997, the Arctic Council is in the process of taking over the responsibility for overseeing and coordinating the programmes established under the Arctic Environmental Protection Strategy:

- Arctic Monitoring and Assessment Programme (AMAP) - to monitor the levels of, and assess the effects of, anthropogenic pollutants in all compartments of the Arctic environment, including humans;
- Protection of the Marine Environment in the Arctic (PAME) - to take preventative and other measures directly or through competent international organizations regarding marine pollution in the Arctic, irrespective of origin;
- Emergency, Prevention, Preparedness and Response (EPPR) - to provide a framework for future cooperation in responding to the threat of environmental emergencies; and
- Conservation of Arctic Flora and Fauna (CAFF) - to facilitate the exchange of information and coordination of research on species and habitats of flora and fauna.

Agreement/Protocol/Convention Commitments

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- Conservation of Arctic Flora and Fauna (CAFF) - to facilitate the exchange of information and coordination of research on species and habitats of flora and fauna.



Environment Canada Action Required

Environment Canada contributes to the Arctic Council environmental protection strategy through the Department of Foreign Affairs and International Trade (DFAIT) and the Department of Indian Affairs and Northern Development (DIAND).

Environment Canada Activities

Following the first Ministerial Meeting of the Arctic Council in Iqaluit on September 17-18, 1999, Canada's two-year term as first Chair of the Arctic Council ended and the Chair and Secretariat of the Council was passed to the United States.

Mary Simon, Ambassador to Denmark and Ambassador for Circumpolar Affairs, is Canada's Senior Arctic Official to the Arctic Council. The Assistant Deputy Minister (ADM) of Northern Affairs, Department of Indian Affairs and Northern Development (DIAND) is Canada's Alternate Senior Arctic Official. The ADMs Interdepartmental Committee on Circumpolar Affairs includes working groups with representatives from DIAND, the Department of Foreign Affairs and International Trade (DFAIT), the Department of Fisheries and Oceans (DFO), Natural Resources Canada (NRCan), Transport Canada, Heritage Canada, Health Canada, the Canadian Circumpolar Conference (CPC), the Canadian Arctic Resources Committee (CARC), Yukon Government, Northwest Territories Government, Inuit Tapirikat Canada (ITC), Inuit Circumpolar Conference (ICC), Dene Nation, Metis Nation, and the Yukon First Nations.

The provision of the Secretariat support functions is the responsibility of the Chair of the Council, the Chair rotating on a biennial basis among the member Arctic States.

Environment Canada provides advice on environmental issues to the Canadian delegation. Environment Canada has also supported the preparation for the First Arctic Council Ministerial meeting and development of a substantive agenda with a focus on sustainable development.

Evidence of Compliance

An Arctic Council Action Plan is presently being developed. The United States holds the chair, and will host the second biennial meeting in late 2000.

Environment Canada Contact(s): Ruth McKechnie, Environmental Conservation Service, Tel: (819) 997-1487; Fax: (819) 997-3822

Web Site(s)





ENVIRONMENTAL COOPERATION





Canada-Chile Agreement on Environmental Cooperation

Lead Department: Environment Canada

Subject Category: Environmental Cooperation

Agreement/Protocol/Convention Status

Signed February 1997

In force July 7, 1997

Agreement/Protocol/Convention Summary

The Canada-Chile Agreement on Environmental Cooperation (CCAEC) seeks to promote cooperation between Canada and Chile for environmental protection and sustainable development. It supports environmental goals and objectives consistent with the North American Agreement on Environment Cooperation (NAAEC), the North American Free Trade Agreement (NAFTA), and the Canada-Chile Free Trade Agreement (FTA). It aspires to improving environmental laws and policies and enhancing compliance and enforcement, promoting transparency in the legislative process, and promoting economically efficient environmental measures and pollution prevention. The Agreement places particular emphasis on ensuring the effective enforcement by the parties of their respective environmental laws.

Agreement/Protocol/Convention Commitments

National -- each Party has obligations relating to:

- providing for high levels of environmental protection and striving to improve laws and regulations, as well as the effective enforcement of environmental laws and regulations through appropriate government actions;
- publication of laws, regulations, procedures, and administrative rulings;
- availability of judicial, quasi-judicial, or administrative enforcement proceedings under a Party's law to sanction or remedy violation of environmental laws and regulations;
- private access to remedies; and
- procedural guarantees.

Canada and Chile are committed to certain actions together:

- having National Secretariats to support the Commission [Council, Joint Submission Committee, Joint Public Advisory Committee (JPAC)]
- having annual Council sessions, including a public session and a meeting of the JPAC;
- approving and implementing of an annual work program and budget for the Commission;
- addressing questions and differences that may arise between Parties regarding interpretation of the Agreement;
- cooperating with the Canada-Chile Free Trade Commission to achieve environmental goals of the Free Trade Agreement;
- responding to submissions on enforcement matters under Articles 14 and 15 of the Agreement; and
- Party-to-Party consultation and resolution of disputes.

Federal-Provincial:

- Canada committed to use its best efforts to make this Agreement applicable to as many of the provinces as possible.

Financial:

- Canada is responsible for half of the total costs of operating the Canada-Chile Commission for Environmental Cooperation and for the Canadian National Secretariat.

Environment Canada Action Required

Environment Canada is the lead. It must help ensure that Canada meets its financial, national, and common obligations, as well as encourage provincial participation.



Environment Canada Activities

Financial:

- because no submission on enforcement matters has been received, it is difficult to estimate the full cost to Environment Canada. A budget of 30K was allocated to the 1999 Work Program and approximately 18K was spent on Joint Public Advisory Committee (JPAC) related activities.

National:

- Canada will not have to take new measures to meet the obligations outlined in the CCAEC because they are similar to those contained in the North American Free Trade Agreement (NAFTA) environmental side agreement. The National Secretariat prepares an annual report containing information on how Canada is meeting these obligations.

Common Commitments:

- National Secretariats have been established within Environment Canada/Policy and Communications (P&C) and the Chilean Commission for Environment (CONAMA);
- the Minister of the Environment is Canada's representative on the Council and the representative of Chile is the Executive Director of CONOMA;
- the Council met for the first time in regular session on November 9, 1998 in Santiago. Canada will host the second Council session in Ottawa in the first part of 2000. There will be an opportunity for the Council members to interact directly with the public; and
- the 1999 Program Budget of the Canada-Chile Commission comprises of six projects to strengthen enforcement and compliance with environmental legislation, and public participation in environmental decision-making.

Federal-Provincial:

- no provinces have signed on to this Agreement and a mechanism has to be developed to encourage provincial participation.

Evidence of Compliance

Canada is bound for matters within federal jurisdiction, and has committed to use its best efforts to encourage provinces to sign on to the Canada-Chile Agreement on Environmental Cooperation. No provinces have signed on to date.

Environment Canada Contact(s): Danièle St-Pierre, Policy and Communications, Tel: (819) 953-2295; Fax: (819) 997-0199

Web Site(s) <http://can-chil.gc.ca>



Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention)

Lead Department: Environment Canada

Subject Category: Environmental Cooperation

Agreement/Protocol/Convention Status

Signed 1991

Ratified by Canada May 13, 1998

In force in Canada August 13, 1998

Agreement/Protocol/Convention Summary

Signed under the auspices of the United Nations Economic Commission for Europe (UN ECE), this Convention seeks to: minimize significant adverse transboundary environmental impacts of certain projects that are likely to cause adverse transboundary impacts; ensure that an environmental assessment is undertaken for those projects; provide to the government and public of an affected country an opportunity to participate in the environmental assessment; and ensure that the results of the environmental assessment are taken into account in the final decision about the project.

Agreement/Protocol/Convention Commitments

In force in Canada August 13, 1998.

Environment Canada Action Required

Identify and monitor projects likely to cause adverse transboundary impacts.

Environment Canada Activities

No action until projects are identified.

Evidence of Compliance

No projects identified.

Environment Canada Contact(s):

Doug Tilden, Environmental Protection Service, Tel: (819) 953-1693; Fax: (819) 953-4093
Gérald Aubry, Canadian Environmental Assessment Agency, Tel: (819) 953-3921;
Fax: (819) 994-1469

Web Site(s)



North American Agreement on Environmental Cooperation

Lead Department: Environment Canada

Subject Category: Environmental Cooperation

Agreement/Protocol/Convention Status

Signed September 14, 1993
In force in Canada January 1, 1994
In force internationally January 1, 1994

Agreement/Protocol/Convention Summary

The North American Agreement on Environmental Cooperation (NAAEC) seeks to promote environmental protection and sustainable development in North America and to increase cooperation between the parties to this end. It ensures the effective enforcement of environmental laws through cooperation, and with specific remedies against non-enforcement. It has a mandate to cooperate with the North American Free Trade Agreement (NAFTA) Free Trade Commission (FTC) to achieve the environmental goals and objectives of the NAFTA, and promotes public participation and transparency. The Commission on Environmental Cooperation (CEC) oversees the implementation of this agreement.

Agreement/Protocol/Convention Commitments

National Obligations -- Canada is required to:

- provide for high levels of environmental protection and strive to improve laws and regulations;
- publish its laws, regulations, procedures, and administrative rulings respecting any matter covered by the Agreement;
- ensure effective enforcement of environmental laws and regulations through appropriate government actions;
- make available judicial, quasi-judicial, or administrative enforcement proceedings under a Party's law to sanction or remedy violation of environmental laws and regulations; and
- ensure private access to remedies and procedural guarantees.

Trilateral Commitments include:

- yearly Council (ministerial) sessions, including a public session;
- approval of an annual work programme and budget for the Commission on Environmental Cooperation (CEC);
- developing recommendations on any matter related to the Agreement;
- overseeing the Secretariat of the CEC;
- addressing questions and differences that may arise between Parties regarding interpretation of the Agreement;
- effective enforcement of environmental laws and regulations, compliance with those laws, and technical cooperation between Parties;
- cooperation with the North American Free Trade Agreement (NAFTA) Free Trade Commission (FTC) to achieve the environmental goals of this agreement;
- developing recommendations with respect to Transboundary Environmental Impact Assessment (TEIA), including assessment, notification, provision of relevant information and consultation between Parties, and mitigation;
- responding to submissions on enforcement matters under Articles 14 and 15 of the Agreement; and
- Party-to-Party consultation and resolution of disputes.

Federal-Provincial:

- Canada committed to use its best efforts to make this Agreement applicable to as many of the provinces as possible, through sign-on to the Canadian Intergovernmental Agreement Regarding the North American Agreement on Environmental Cooperation.

Financial:

Canada is to contribute 1/3 of the total budget (US\$9 million in 1999) for the CEC.



Environment Canada Action Required

Environment Canada is the lead and is the "one-window" for Canadian government participation in this Agreement. However, we work closely with the Department of Foreign Affairs and International Trade to:

- facilitate meeting of relevant national environmental obligations;
- meet and facilitate relevant trilateral environmental commitments; and
- encourage provincial participation in the Agreement.

Environment Canada Activities

Canada has paid its Commission dues in full and on time.

National Obligations:

Canada's environmental management system meets the obligations under the Agreement. Meeting the obligations outlined in the Agreement is an ongoing activity. In its annual report to the Commission on Environmental Cooperation (CEC), Canada reports annually on how it is meeting these obligations.

Trilateral Commitments:

The Council has met six times in regular session, and once in special session. Each of the Council sessions consists of an opportunity for the Council members to interact directly with the North American public.

With respect to the work programme, the Commission is leading important work to protect the North American environment. It has developed North American Regional Action Plans to address persistent, bioaccumulative toxic substances of regional concern, which Parties are in the process of implementing; it is developing a North American Agreement for the environmental assessment of projects with transboundary impacts; it has created a North American Pollutant Release/Toxics Release inventory; and it is strengthening regional cooperation in air quality monitoring and modeling. It is also promoting stronger enforcement and compliance cooperation, including joint action to combat chloro-fluorocarbon (CFC) smuggling and illegal trade in endangered species. It also has an active conservation agenda, including a conservation strategy for North American birds. Finally, it has increased its focus on the relationship between environment and trade, and has an active environment and trade program, mainly focussed on "win-win" trade and environment projects.

The CEC also has a busy agenda of submissions on enforcement matters. Most of the Canadian submissions have been targeted at the effective enforcement of the Fisheries Act.

Federal-Provincial:

Three provinces have signed on to the Canadian Intergovernmental Agreement regarding the North American Agreement on Environmental Cooperation - Alberta, Quebec, and Manitoba. The federal government and the signatory provinces have been working together since 1995, when Alberta became the first province to sign on, to develop the positions that Canada takes to the CEC. Environment Canada acts as Secretariat to this Committee.

Advisory:

Canada convened its National Advisory Committee in August 1996. The Committee is made up of six non-government representatives, who provide letters of advice to the Governmental Committee. Environment Canada acts as Secretariat for this committee and provides financial support.

Evidence of Compliance

Compliance with the North American Agreement on Environmental Cooperation is outlined in the Commission for Environmental Cooperation Annual reports.

Environment Canada Contact(s): Rita Cerutti, Policy and Communications, Tel: (819) 994-0148; Fax: (819) 997-0199

Web Site(s)

<http://cec.org/infobases/law/>
<http://cec.org/>





HAZARDOUS WASTES





Basel Convention on the Transboundary Movement of Hazardous Wastes and their Disposal

Lead Department: Environment Canada

Subject Category: Hazardous Waste

Agreement/Protocol/Convention Status

Signed March 22, 1989
In force internationally, May 5, 1992
Ratified August 28, 1992
In force in Canada November 26, 1992

Agreement/Protocol/Convention Summary

The Convention seeks to control the transboundary movement of hazardous wastes and hazardous recyclable materials, and promote their environmentally sound management.

Agreement/Protocol/Convention Commitments

Classification and tracking:

The Convention establishes a core list of hazardous wastes and hazardous recyclable materials to be controlled when they exhibit one of the hazard characteristics, and allows parties to control wastes and recyclable materials beyond those in the core list. In 1998, two new waste Annexes were adopted. The Convention also requires Parties to:

- establish a national authorization or licensing system for persons involved in the transport or disposal (includes recycling or final disposal) of hazardous wastes or hazardous recyclable materials;
- require that a movement document accompany any hazardous wastes or hazardous recyclable materials subject to transboundary movement from the point of generation to the point of management; and
- establish national requirements for packaging, labeling and transport, in accordance with recognized international rules and standards.

Prohibition of Transboundary Movement of Hazardous Wastes:

Parties may not carry out or authorize transboundary movements of hazardous wastes or hazardous recyclable materials:

- to States that are neither Parties to the Convention unless they have a bilateral agreement under Article 11;
- to Antarctica;
- if the prospective state of destination has prohibited such imports;
- if appropriate disposal or recycling facilities are available in the state of origin unless waste is needed as raw material; and
- if there is reason to believe that environmentally sound management/disposal options are not available in the prospective state of destination.

Note that in September 1995, Parties adopted an amendment to immediately prohibit exports of hazardous wastes destined for final disposal from Annex VII countries to non-Annex VII countries and to phase out by December 31, 1997, and to prohibit as of that date, exports of hazardous recyclables from Annex VII to non-Annex VII countries. Currently, Annex VII consists of members of the European Union, the Organisation for Economic Cooperation and Development (OECD) and Liechtenstein. The ban amendment comes into force after sixty-two ratifications and only applies to those Parties that ratify it. As of December 1999, only seventeen Parties had ratified. Canada has not yet ratified the amendment.

Illegal Traffic and Duty to Re-Import:

- the state responsible for illegal traffic must ensure the proper management of the wastes or recyclables, if necessary by re-importation, and if a transaction takes place in accordance with the Convention, but management cannot be carried out as foreseen, the exporting state must find a suitable alternate arrangement or, if this is not possible, ensure re-importation.



Prior Informed Consent:

- where transboundary movement of hazardous wastes and hazardous recyclable materials is not prohibited in principle, Parties may only authorize movement after the states of import and transit have given written consent to the state of export, based on detailed information provided to them by that state.

General obligations:

- reduce the generation of hazardous wastes and hazardous recyclable materials, and keep their transboundary movement to a minimum;
- ensure environmentally sound management of hazardous wastes and hazardous recyclable materials (a set of technical Guidelines recommends means to accomplish this);
- cooperate in promoting new low-waste technologies with a view to eliminating, as far as practicable, the generation of hazardous wastes; and
- promote technical cooperation and exchange of information, especially to developing countries.

Reporting:

Parties must annually provide information to the Secretariat on domestic legislation and policies and on hazardous wastes/hazardous recyclable materials import/export activity.

Note that there are currently discussions underway among the Parties concerning the need to make the Convention's dispute resolution process compulsory and whether to establish a formal and facilitative monitoring and compliance procedure under the Convention.

Liability and Compensation Protocol:

Parties to the Basel Convention, at their meeting on December 6-10, 1999, adopted a Protocol on Liability and Compensation for damage resulting from the transboundary movements of hazardous wastes and their disposal. Its objective is to provide for a comprehensive regime for liability and for adequate and prompt compensation for damage resulting from the transboundary movement of hazardous wastes and other wastes, and their management including illegal traffic.

Environment Canada Action Required

Environment Canada is the lead, and is assisted by Health Canada, Industry Canada (IC), Natural Resources Canada (NRCan), Canada Customs and Revenue Agency, Transport Canada, and the Department of Foreign Affairs and International Trade (DFAIT).

Compliance with the Convention requires:

- legislation and regulations to implement the classification, import/export controls and tracking requirements, environmentally sound management;
- legislation and policy to implement the general obligations re: waste minimization;
- administrative procedures to administer and enforce the import/export regime;
- support for technical cooperation initiatives; and
- regular reporting.

Environment Canada Activities

The Canadian Environmental Protection Act (CEPA) [1988] and Export and Import of Hazardous Waste Regulations [1992] provide the legal authority to implement the specific obligations (along with federal and provincial Transportation of Dangerous Goods legislation, which implement various forms of the prescribed classification scheme).

Bill C-32, which will replace CEPA, will allow Canada to:

- fully implement its Basel obligations concerning the transboundary movement of hazardous wastes and hazardous recyclable materials;
- prohibit exports or imports of hazardous wastes and hazardous recyclable materials when required under international agreements;
- control the transboundary movements of prescribed non-hazardous wastes destined for final disposal;



- require exporters of hazardous wastes destined for final disposal to submit reduction plans; and
- prescribe conditions for the environmentally sound management of hazardous wastes and hazardous recyclable materials.

Environment Canada's Transboundary Movement Division (TMD) administers the CEPA provisions and coordinates the reporting requirements and various technical cooperation initiatives. Headquarters (HQ) and regional enforcement officials enforce, in collaboration with Customs, the Royal Canadian Mounted Police (RCMP), provinces and foreign officials.

Evidence of Compliance

The Canadian Environmental Protection Act (CEPA) [1988] and Export and Import of Hazardous Waste Regulations [1992] provide the legal authority to implement the specific obligations (along with federal and provincial Transportation of Dangerous Goods legislation, which implement various forms of the prescribed classification scheme).

The Transboundary Movement Division (TMD) has sponsored various impact studies and client satisfaction studies. In addition, the regime has been the subject of reviews, including the 1997 Auditor General Report.

The main issues which continue to require attention are:

- whether to ratify the 1995 amendment banning exports to non-Annex VII countries;
- international agreement on what constitutes "environmentally sound management";
- monitoring of illegal traffic and enforcement of the Canadian Environmental Protection Act (CEPA) provisions with respect to transboundary shipments of hazardous wastes and hazardous recyclable materials; and
- whether to sign the Protocol on liability and compensation; and
- harmonization of the Organisation for Economic Cooperation and Development (OECD) and Basel waste lists.

Environment Canada Contact(s): John Myslicki, Environmental Protection Service, Tel: (819) 953-1390; Fax: (819) 997-3068

Web Site(s) <http://www.unep.ch/basel/>



Canada-US Agreement on the Transboundary Movement of Hazardous Waste

Lead Department: Environment Canada

Subject Category: Hazardous Waste

Agreement/Protocol/Convention Status

Signed October 28, 1986

In force November 8, 1986

The Agreement renews itself every 5 years unless one of the Parties gives written notice of termination. Amendment signed and in force November 25, 1992 to ensure consistency with Article 11.2 of the Basel Convention

Agreement/Protocol/Convention Summary

The Agreement is intended to ensure that hazardous wastes, hazardous recyclable materials, and municipal solid waste destined for final disposal crossing the Canada-United States boundary comply with each countries' regulations. It confirms basic principles recognized by both countries for the proper control of transboundary movements of hazardous wastes and hazardous recyclable materials between the two countries, and requires:

- each country to adequately manage hazardous wastes and hazardous recyclable materials within the limits of its own jurisdiction;
- the exporting country to notify the importing country and give details of the proposed shipment of the hazardous waste or hazardous recyclable material before the shipment is made. The importing country can then review the information and indicate its consent (written or tacit) or objection to the export; and
- the exporting country to cooperate to ensure that transboundary shipments are accompanied by a manifest and that they conform to the requirements of the Agreement; and
- the Agreement to be recognized under Article 11.2 of the Basel Convention.

Agreement/Protocol/Convention Commitments

The Agreement requires Canada to:

- cooperate to ensure that all transboundary shipments of hazardous wastes/hazardous recyclable materials comply with manifest requirements of both countries;
- cooperate regarding monitoring and spot-checking;
- notify the United States Environmental Protection Agency (US EPA) of proposed transboundary shipments of hazardous wastes, or hazardous recyclable materials;
- respond within 30 days to notices from the US EPA of proposed shipments of hazardous wastes, or hazardous recyclable materials;
- permit the export, import, and transit of hazardous wastes and hazardous recyclable materials across Canada-United States border for treatment, storage, recycling, or disposal pursuant to terms of Canadian or American laws, regulations and administrative practices and the terms of this Agreement; and
- re-admit shipments of hazardous wastes and hazardous recyclable materials returned by the country of import or transit.

Note that the 1992 amendment broadened the Agreement to cover municipal solid waste that is sent for final disposal. Bill C-32 provides the authority to implement this amendment via new regulations.

Environment Canada Action Required

Environment Canada is the lead, supported by Health Canada, Industry Canada (IC), Natural Resources Canada (NRCan), Revenue Canada, Transport Canada (TC) and the Department of Foreign Affairs and International Trade (DFAIT).

Compliance with the agreement requires:

- legislation and regulations to implement the classification, import/export controls and tracking requirements;
- administrative procedures to administer and enforce the import/export regime;
- legislation and policy to implement the general obligations regarding waste minimization; and
- support for technical cooperation initiatives.



Environment Canada Activities

The Canadian Environmental Protection Act (CEPA) [1988] and Export and Import of Hazardous Waste Regulations [1992] provide the legal authority to implement the 1986 Agreement (along with federal and provincial transportation of dangerous goods legislation, which implement various forms of the prescribed classification scheme).

Environment Canada's Transboundary Movement Division (TMD) administers the CEPA provisions; headquarters (HQ) and regional enforcement officials enforce, in collaboration with Customs, the Royal Canadian Mounted Police (RCMP), provinces and foreign officials.

Bill C-32 provides the legal authority to apply the export/import requirements to municipal solid waste destined for final disposal, as required by the 1992 amendments. Regulations presenting conditions on exports and imports will be developed.

Evidence of Compliance

The Canadian Environmental Protection Act (CEPA) [1988] and Export and Import of Hazardous Waste Regulations [1992] provide the legal authority to implement the 1986 Agreement (along with federal and provincial transportation of dangerous goods legislation, which implement various forms of the prescribed classification scheme).

The Transboundary Movement Division (TMD) has sponsored various impact studies and client satisfaction studies. In addition, the regime has been the subject of reviews, including the 1997 Auditor General Report.

Environment Canada Contact(s): John Myslicki, Environmental Protection Service, Tel: (819) 953-1390; Fax: (819) 997-3068

Web Site(s) <http://sedac.ciesin.org/>



Convention on the Transboundary Effects of Industrial Accidents

Lead Department: Environment Canada

Subject Category: Hazardous Waste

Agreement/Protocol/Convention Status

Signed in 1992

Agreement/Protocol/Convention Summary

The Convention on the Transboundary Effects of Industrial Accidents was signed in 1992. The Convention aims to strengthen international cooperation on the prevention of, preparedness for and response to industrial accidents in order to improve overall industrial safety in the Environment Commission for Europe (ECE).

Agreement/Protocol/Convention Commitments

Support the entry into force and the implementation of the Convention, as agreed by the Signatories.

Environment Canada Action Required

The Meeting of the Signatories will undertake the activities set out in its workplan (CEP/WG.4/1998/2, annex II). The activities under the Convention concentrate on: building capacity to prevent, prepare for and respond to industrial accidents, in particular in countries in transition through two Environment Commission for Europe (ECE) regional coordinating centres established under the Convention; developing a programme for the prevention of accidental transboundary water pollution; developing a procedure for identifying hazardous activities; testing the ECE Accident Notification System; and preparing the first meeting of the Parties.

Environment Canada Activities

The Convention is expected to enter into force in 2000.

Evidence of Compliance

Environment Canada Contact(s): Wayne Bissett, Environmental Protection Service, Tel.: (819) 997-2981; Fax: (819) 997-5029

Web Site(s)



Organisation for Economic Cooperation and Development (OECD) Decision Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations

Lead Department: Environment Canada

Subject Category: Hazardous Waste

Agreement/Protocol/Convention Status

Organisation for Economic Cooperation and Development (OECD) Council Decision adopted March 30, 1992
Implemented in Canada in November, 1992

Agreement/Protocol/Convention Summary

This Organisation for Economic Cooperation and Development (OECD) Decision establishes a 3-tier system (green, amber, red) for the control of transfrontier movements within OECD countries of wastes destined for final recovery operations (i.e. hazardous recyclable materials). Currently, Council Decision C(92)39/Final is in the process of being amended and four other Council Acts dealing with wastes are being consolidated. These streamlining efforts are to harmonize the OECD control system with the one under the Basel Convention. Eventually the green, amber and red lists will be replaced with Basel Annexes.

The OECD Council Decision C(92)39 is recognized under Article 11.2 of the Basel Convention.

Agreement/Protocol/Convention Commitments

The following provisions/obligations to be incorporated in national legislation:

- recyclable materials on "green" list (negligible risk to human health and environment) are subject to all existing controls normally applying to commercial transactions;
- recyclable materials on "amber" list (moderate risk) are subject to a prior notification and 30 day written or tacit consent requirement;
- recyclable materials on "red" list (significant risk) are subject to Basel requirements;
- agree to complete the written consent procedures within 30 days; and
- allows the pre-authorization of facilities for amber-listed recyclable materials, which reduces the tacit consent period from 30 days to seven days.

The Organisation for Economic Cooperation and Development (OECD) countries are required to participate on the Working Group on the Waste Management Policy to regularly review these provisions and make amendments.

Environment Canada Action Required

Environment Canada is the lead. It must:

- promulgate legislation and regulations to implement the classification, import/export controls and tracking requirements; and
- develop and institute procedures to administer and enforce the regime.

Environment Canada Activities

The Canadian Environmental Protection Act (CEPA) [1988] and Export and Import of Hazardous Waste Regulations [1992] provide the legal authority to implement the Decision (along with federal and provincial Transportation of Dangerous Goods legislation, which implement various forms of the prescribed classification scheme).

Environment Canada's Transboundary Movement Division (TMD) administers the CEPA provisions and coordinates the reporting requirement and various technical cooperation initiatives, while headquarters (HQ) and regional enforcement officials enforce, in collaboration with Customs, the Royal Canadian Mounted Police (RCMP), provinces and foreign officials.



Evidence of Compliance

The Canadian Environmental Protection Act (CEPA) [1988] and Export and Import of Hazardous Waste Regulations [1992] provide the legal authority to implement the Decision (along with federal and provincial Transportation of Dangerous Goods legislation, which implement various forms of the prescribed classification scheme).

The Transboundary Movement Division (TMD) has sponsored various impact studies and client satisfaction studies. In addition, the regime has been the subject of reviews, including the 1997 Auditor General Report. Individual country reviews are conducted every five years; the last review for Canada was during 1994.

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| <i>Environment Canada Contact(s):</i> | John Myslicki, Environmental Protection Service, Tel: (819) 953-1390; Fax: (819) 997-3068 |
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| <i>Web Site(s)</i> | http://www.oecd.org/ehs/waste/control.htm |
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LAKES AND RIVERS





Canada-US Agreement for Water Supply And Flood Control in the Souris River Basin

Lead Department: Department of Foreign Affairs and International Trade **Subject Category:** Lakes and Rivers

Agreement/Protocol/Convention Status

Signed October 26, 1989. A dispute between the Parties regarding apportionment of the Souris River between Saskatchewan and North Dakota resulted in a revised apportionment formula which was forwarded to the Department of Foreign Affairs and International Trade (DFAIT) in 1995, but remains to be approved through an exchange of notes by governments.

Agreement/Protocol/Convention Summary

The Souris River flows from Saskatchewan into North Dakota and back into Manitoba. The Agreement provides for the construction, maintenance and operation of the Rafferty and Alameda Dams and other works by Canada in the Souris River Basin in Saskatchewan for the purposes of water supply in Canada and flood control in the United States. The Agreement also establishes a Water Quality Monitoring Group, which administers a joint water quality program.

Agreement/Protocol/Convention Commitments

The Souris River flows from Saskatchewan into North Dakota and back into Manitoba. The Agreement provides for the construction, maintenance and operation of the Rafferty and Alameda Dams and other works by Canada in the Souris River Basin in Saskatchewan for the purposes of water supply in Canada and flood control in the United States. The Agreement also establishes a Water Quality Monitoring Group, which administers a joint water quality program.

Environment Canada Action Required

The Department of Foreign Affairs and International Trade (DFAIT) is the lead. Environment Canada must support the Bilateral Water Quality Monitoring Group and the International Souris River Board of Control.

Environment Canada Activities

The International Souris River Board of Control has the lead responsibility for the apportionment of the waters of the Souris River Basin according to the 1959 International Joint Commission (IJC) Reference and the 1992 Interim Measure as modified. The Board of Control has three members from Canada (Environment Canada, and the provinces of Saskatchewan and Manitoba), and three US members. Environment Canada provides the co-chair and secretariat support for the board.

With respect to the Bilateral Water Quality Monitoring Group, the Department of Foreign Affairs and International Trade (DFAIT) is the Lead Department. The three Canadian members of the Water Quality Monitoring Group are from Environment Canada [Bill Gummer, Prairie and Northern Region (P&NR), co-chair], Manitoba and Saskatchewan.

The Water Quality Monitoring Group:

- developed water quality objectives for the Souris River at the Saskatchewan-North Dakota Boundary and the North Dakota-Manitoba Boundary (these objectives were agreed to on April 1, 1991);
- exchanges, interprets, and analyzes the data;
- reviews the program and objectives at least every five years; and
- submits an annual report to the Parties.

In its support role to both boards, Environment Canada

- provides water quantity and quality monitoring of the Souris River in the Saskatchewan and Manitoba portion of the Basin as well as at the boundary crossings mentioned;
- provides meteorological information for use in apportionment calculations;
- calculates the apportionment of the water; and
- supports DFAIT.



Evidence of Compliance

Relevant reports include:

- Souris River Basin Water Quality Monitoring Group Annual Report; and
- International Souris River Board of Control Annual report to the International Joint Commission (IJC).

Note that this Agreement is challenging because of major Canadian concerns regarding:

- a) United States is interested in realizing greater benefits from the Canadian reservoirs by securing low flow releases;
- b) the longer term water quality effect that the newly constructed reservoirs will have on downstream jurisdictions; and
- c) Manitoba's rights under the Agreement to adequate water flows from the United States.

Environment Canada Contact(s):

Russ Boals, Meteorological Service of Canada, Tel: (306) 780-5338; Fax: (306) 780-5350
John Cooper, Environmental Conservation Service, Tel: (819) 953-4007, Fax: (819) 994-0237

Web Site(s)

<http://www.ec.gc.ca/water/index.htm>
<http://www.ijc.org/>



Canada-US Agreement on Great Lakes Water Quality

Lead Department: Environment Canada

Subject Category: Lakes and Rivers

Agreement/Protocol/Convention Status

The first Canada-US Agreement on Great Lakes Water Quality (GLWQA) was signed April 15, 1972. That Agreement was superseded by one signed November 22, 1978, and was amended by a Protocol signed in 1987.

Agreement/Protocol/Convention Summary

The Canada-US Agreement on Great Lakes Water Quality (GLWQA) commits Canada and the United States to "restore and maintain the chemical, physical and biological integrity of the waters of the Great Lakes Basin Ecosystem". It requires research and monitoring/surveillance activities and regular reporting. It also expresses various principles, policies, measures and objectives including:

- restore degraded areas of concern and develop and implement Lakewide Management Plan;
- achieve phosphorus load reduction targets;
- virtually eliminate discharge of persistent toxic substances through a philosophy of 'zero discharge';
- control pollution from other sources (i.e. agriculture/forestry/land use practices, shipping, dredging, on-shore/offshore facilities); and
- abate/control pollution from municipal and industrial sources.

Agreement/Protocol/Convention Commitments

The current Canada-US Agreement on Great Lakes Water Quality (GLWQA) sets out "General Objectives" for all the streams, rivers, lakes and other bodies of water within the drainage basin on the St. Lawrence River at or upstream from the point at which the river becomes the international boundary between the two countries (the Great Lakes System), as well as "Specific Objectives" to be met for specific substances present in the waters of the Great Lakes System.

The original GLWQA committed Canada and the United States to control pollution in the Great Lakes and to clean up waste waters from industries and communities. The major issue at that time was nutrient enrichment which resulted in nuisance algae and water clarity problems.

In the 1978 revision, the two Governments pledged to restore and maintain the chemical, physical, and biological integrity of the waters of the Great Lakes Basin Ecosystem. They also committed to ridding the Great Lakes of persistent toxic substances.

The 1987 Protocol emphasizes the importance of human and aquatic ecosystem health. It requires the development and implementation of Remedial Action Plans (RAPs) and Lakewide Management Plans (LaMPs). RAPs focus on 43 geographic "Areas of Concern". They take an ecosystem approach, and draw upon broad community involvement. LaMPs are designed to improve the environmental quality of the open waters of each of the Great Lakes, with a particular focus on Critical Pollutants. In addition, the 1987 Protocol introduced annexes focusing on non-point contaminant sources, contaminated sediment, airborne toxic substances, contaminated groundwater, and associated research and development.

The Agreement also requires the two federal governments to implement programs and report on their progress in restoring, preserving and protecting the Great Lakes. It charges the International Joint Commission (IJC) with: assisting the governments on matters related to water quality; reviewing and evaluating programs undertaken by the Parties; and reporting to the Parties biennially on progress and on outstanding issues. In addition, the Agreement provides for two binational water boards to advise the International Joint Commission (IJC): the Great Lakes Water Quality Board and the Great Lakes Science Advisory Board.

Environment Canada Action Required

Canada and Ontario jointly deliver on Canadian commitments from the Canada-US Agreement on Great Lakes Water Quality (GLWQA) commitments through the Canada-Ontario Agreement (COA) respecting the Great Lakes Basin Ecosystem (1994-2000). The 1994 COA set out a plan of action that established priorities, targets and schedules for environmental issues of concern in the basin, as well as Canada's commitments under the GLWQA.



The COA is a cooperative effort of seven federal departments including: Agriculture and Agri-Food Canada (AAFC), Canadian Heritage, Environment Canada, the Department of Fisheries and Oceans (DFO), Health Canada (HC), Public Works and Government Services Canada (PWGSC), and Transport Canada (TC); and four provincial ministries including the Ministry of Environment, the Ministry of Natural Resources, the Ministry of Agriculture, Food and Rural Affairs, and the Ministry of Health. Environment Canada, Ontario Region has the responsibility for assessing progress and providing information to the IJC for its Biennial Report.

Environment Canada Activities

Since 1989, Environment Canada has invested approximately \$178 million (excluding A-base resources) supporting a wide range of binational arrangements, federal-provincial agreements and federal and provincial laws, policies, and initiatives to support the Canada-US Agreement on Great Lakes Water Quality (GLWQA). These include International Agreements and Programs:

- 1987 Niagara River Toxics Management Plan Agreement commits Environment Canada, Ontario Ministry of Environment, New York State Department of Environmental Conservation, and the United States Environmental Protection Agency (EPA) to develop and implement a cooperative management strategy for reducing the discharge of toxic substances into the Niagara River;
- 1991 Lake Superior Binational Program (a joint-federal-provincial-state program) designates Lake Superior as a demonstration area where discharges of persistent, toxic and bioaccumulative substances are not permitted; and
- 1997 Great Lakes Binational Toxics Strategy (Environment Canada and US EPA) focuses on eliminating releases of persistent, bioaccumulative substances into the Great Lakes.

Federal and Federal-Provincial Strategies:

- Canada-Ontario Agreement Respecting the Great Lakes Ecosystem (six year agreement, 1994-2000) provides the framework within which Environment Canada coordinates federal-provincial efforts;
- The Great Lakes 2000 Program (a six year \$150M program, 1994-2000) coordinates federal government action to meet the GLWQA commitments;
- federal Toxic Substances Management Policy;
- Chlorinated Substances Action Plan;
- Accelerated Reduction and Elimination of Toxics (ARET);
- the agreement between Canada, Ontario, US, and Michigan regarding the joint development of Remedial Action Plans for the Great Lakes connecting channels;
- International Atmospheric Deposition Network; and
- Four Party Letter of Agreement on the Detroit River.

Federal Legislation:

- the Canadian Environmental Protection Act (CEPA) and CEPA regulations (e.g. phosphorus in detergents); and
- regulations related to shipping under the Canada Shipping Act.

Federal Science:

- The National Water Research Institute (NWRI) [part of the Ecosystem Science Directorate of the Environmental Conservation Service (ECS)] performs many functions supportive of the GLWQA, including research, technology transfer, cooperation, education and information exchange; and
- Ontario Region performs many scientific functions in support of the GLWQA including research and monitoring on wildlife water quality and air quality.

Provincial initiatives include:

- the 1985 Great Lakes Charter (between Ontario, Quebec and eight Great Lakes states) which sets out principles for the management of water resources;
- Ontario's Municipal and Industrial Strategy for Abatement (MISA); and
- Great Lakes Foundation.



Influence over international actions:

- GLWQA priorities, the information generated by the programs, and strategies developed to address the contamination of the Great Lakes due to the long-range transport of air pollutants, have influenced Environment Canada's negotiating positions in various international fora [e.g., Commission on Environmental Cooperation (CEC), United Nations (UN), Organisation for Economic Cooperation and Development (OECD)].

Evidence of Compliance

Canada-Ontario Agreement (COA) Progress Reports (1995, 1997 and 1999) and the International Joint Commission (IJC) Biennial Reports note:

- significant declines in conventional pollutant discharges from major industrial sectors in Ontario since 1972 (i.e. 75-90% from iron and steel, pulp and paper, and petroleum refineries);
- major expansion and upgrading of sewage treatment plants in Ontario (\$2 billion--approximately \$900 million from the federal government - invested over the period 1972-1988);
- phosphorus loading targets achieved in upper lakes and at or near targets on lower lakes;
- phosphorus open-lake Canada-US Agreement on Great Lakes Water Quality (GLWQA) objectives achieved by 1990;
- more than 60 per cent of the remedial actions needed to restore Canadian Areas of Concern (AOC) have been implemented;
- major investments in 17 AOCs resulting in restoration/delisting of one AOC;
- beaches are remaining open for longer periods of time in Toronto, Hamilton and other lakefront communities due to improvements in treating combined sewer overflows;
- significant decline in levels of persistent toxic substances found in fish and wildlife;
- an average of 71 per cent reduction in the use, generation or release of seven key toxic substances (alkyl lead, octachlorostyrene, PCDD-dioxins, PCDF-furans, mercury, hexachlorobenzene, benzo(a)pyrene) has been achieved;
- nearly 4,000 hectares of wetlands have been protected and more than 2500 hectares have been rehabilitated;
- approximately 1.72 million hectares of aquatic and terrestrial area have been protected;
- cost-effective technologies have been developed and are being used to remove and treat contaminated sediments in AOCs, and are being applied in other areas of North America; and
- recovery plans have been completed for five threatened species: Henslow's sparrow, loggerhead shrike, peregrine falcon, Blanchard's cricket frog, and eastern spiny softshell turtle.

Environment Canada Contact(s):

EC supports the IJC on national and regional issues, and the Ontario Region is the EC lead in dealings with DFAIT and the IJC related to the Great Lakes Water Quality Agreement
Michael Goffin, Great Lakes and Corporate Affairs, Ontario Region, Tel: (416) 739-4936;
Fax: (416) 739-4781
John Mills, Ontario Region, Tel: (416) 739-4666; Fax: (416) 739-4691

Web Site(s)

<http://www.ijc.org/>



Convention between the United States (US) and Canada for Regulating the Level of Lake of the Woods

Lead Department: Environment Canada

Subject Category: Lakes and Rivers

Agreement/Protocol/Convention Status

Signed February 24, 1925

Agreement/Protocol/Convention Summary

This Convention established a joint Canada-United States mechanism to manage levels and outflows of Lake of the Woods for the mutual benefit of both Parties. This arrangement led to Canadian federal and provincial legislation, involving Manitoba and Ontario, to ensure cooperation and coordination between these levels of government.

Agreement/Protocol/Convention Commitments

The Convention:

- provides for the regulation of the level and outflow of Lake of the Woods by defining regulation objectives and criteria;
- requires the establishment and maintenance of a Canadian Lake of the Woods Control Board to regulate the outflow; and
- requires the establishment and maintenance of an International Lake of the Woods Control Board to approve the outflow when the lake level is above or below specified levels.

Environment Canada Action Required

Environment Canada provides the Canadian member and support to the International Lake of the Woods Control Board and the Canadian Lake of the Woods Board.

Environment Canada Activities

Environment Canada provides a member representing Canada on both Boards and houses and provides one third of the funding for the Canadian Board Secretariat. (Ontario and Manitoba are partners in the Canadian Board, both having concurrent Lake of the Woods Control Board Acts in their provincial legislation. Ontario appoints two members and Manitoba appoints one member to the Canadian Board.)

Evidence of Compliance

The Canadian Board was created by federal legislation, the Lake of the Woods Control Board Act (1921, 1958), and by parallel Manitoba and Ontario legislation. Relevant reports include various data reports of the Lake of the Woods Control Board, available by mail or on the Web at www.lwcb.ca. Annual public open houses are held by the Lake of the Woods Control Board.

Environment Canada Contact(s):

John Cooper, Environmental Conservation Service, Tel: (819) 953-4007; Fax: (819) 994-0237
Dale Kimmett, Environmental Protection Service (Canada's member on the International Board), Tel: (819) 994-1295 ; Fax: (819) 994-0724

Web Site(s)

<http://www.lwcb.ca>
<http://www.ec.gc.ca/water/index.htm>
<http://www.ijc.org/>



Convention between the United States (US) and Canada Providing for Emergency Regulation of the Level of Rainy Lake and of other Boundary Waters in the Rainy Lake Watershed

Lead Department: Environment Canada

Subject Category: Lakes and Rivers

Agreement/Protocol/Convention Status

Signed September 15, 1938

NOTE: The International Joint Commission (IJC) has revised its orders which define operating limits and procedures under this Convention, in response to a review that addressed environmental, resource, and related considerations for the Rainy-Namakan Lake system.

Agreement/Protocol/Convention Summary

This convention empowers the International Joint Commission (IJC) to limit lake levels and outflows of the Rainy Lake watershed for the mutual benefit of Canada and the United States.

Agreement/Protocol/Convention Commitments

The convention provides for emergency regulation of the level of Rainy Lake and other boundary waters in the Rainy Lake watershed. It also empowers the International Joint Commission (IJC) to adopt such measures of control as may seem proper with respect to existing and future dams or works when emergency conditions exist in the Rainy Lake watershed (high or low water).

Environment Canada Action Required

Environment Canada provides the Canadian member and support to the International Rainy Lake Board of Control.

Environment Canada Activities

The International Rainy Lake Board of Control has one Canadian member from Environment Canada. The department provides technical and secretariat support to the Board, including compliance monitoring and analysis.

Evidence of Compliance

Annual public meetings are held.

Environment Canada Contact(s):

John Cooper, Environmental Conservation Service, Tel: (819) 953-4007; Fax: (819) 994-0237
Dale Kimmitt, Environmental Protection Service, Tel: (819) 994-1295; Fax: (819) 994-0724
(Canadian member, International Rainy Lake Board of Control)

Web Site(s)



International Lake Memphremagog Board

Lead Department: Environment Canada

Subject Category: Lakes and Rivers

Agreement/Protocol/Convention Status

Established by an exchange of notes between the British Ambassador and the United States Secretary of State, August 2 and 31, 1920.

Amended by subsequent notes exchanged in 1935.

Agreement/Protocol/Convention Summary

Establishes a board to study and make recommendations as to the levels or level at which the lake should be maintained and to address formal complaints.

Agreement/Protocol/Convention Commitments

Establishes a board to study and make recommendations as to the levels or level at which the lake should be maintained and to address formal complaints.

Environment Canada Action Required

Support the Board.

Environment Canada Activities

Environment Canada provides secretariat and technical support to the Board.

Evidence of Compliance

Environment Canada Contact(s):

Richard Laurence, Quebec Region, Tel: (514) 283-1628; Fax: (514) 496-1867
John Cooper, Environmental Conservation Service, Tel: (819) 953-4007; Fax: (819) 994-0237

Web Site(s)

<http://www.ijc.org/>



Treaty Between Canada and the United States Concerning Diversion of Niagara River Water for Scenic and Power Purposes

Lead Department: Environment Canada supports the International Niagara Committee (INC)

Subject Category: Lakes and Rivers

Agreement/Protocol/Convention Status

Signed February 27, 1950. The Treaty can be renegotiated beginning in the year 2000. Parties and agencies with interests in water use have not yet, but could signal an intent to renegotiate with one year notice.

Agreement/Protocol/Convention Summary

In order to preserve and enhance the scenic beauty of Niagara Falls and River and to ensure the most beneficial use of the waters of that river, the Treaty:

- requires Ontario and New York State to carry out remedial works to enhance the beauty of the Falls by distributing the waters of the river to produce an unbroken crestline at the Falls; and
- requires the establishment of an International Niagara Committee (INC) with representatives appointed by each Government to determine the amount of water available for the purpose of the Treaty (so as to maintain a minimum flow over the Falls) and apportion the water available for power generation equally.

Agreement/Protocol/Convention Commitments

In order to preserve and enhance the scenic beauty of Niagara Falls and River and to ensure the most beneficial use of the waters of that river, the Treaty:

- requires Ontario and New York State to carry out remedial works to enhance the beauty of the Falls by distributing the waters of the river to produce an unbroken crestline at the Falls;
- requires the establishment of an International Niagara Committee (INC) with representatives appointed by each Government to determine the amount of water available for the purpose of the Treaty (so as to maintain a minimum flow over the Falls) and apportion the water available for power generation equally.

Environment Canada Action Required

Support the International Niagara Committee (INC).

Environment Canada Activities

The Meteorological Service of Canada (MSC) of the Ontario Region provides and supports the Canadian member of the International Niagara Committee (INC). The hydro companies on either side of the river do the actual physical control of the water flow under the direction of the International Joint Commission (IJC), under whose orders of approval the physical structures were built.

Current issues include the action by the St. Lawrence Seaway Management Corporation formerly the St. Lawrence Seaway Authority at the Welland Canal to use water for hydropower production and economic gain to support Canal operations. Seaway interpretations appear contrary to Treaty terms and are currently under legal consideration by the Department of Foreign Affairs and International Trade (DFAIT).

Evidence of Compliance

An annual report is prepared to Governments summarizing on-site inspections, reviews of records provided by the power companies, water available for power and the apportionment of same, and compliance with or violations to the Treaty.

Environment Canada Contact(s):

Doug Cuthbert, Ontario Region, Tel: (905) 336-4713; Fax: (905) 336-8901
John Cooper, Environmental Conservation Service, Tel: (819) 953-4007; Fax: (819) 994-0237

Web Site(s)



Treaty between Canada and the United States Relating to the Skagit River and Ross Lake and the Seven Mile Reservoir on the Pend d'Oreille River

Lead Department: Department of Foreign Affairs and International Trade **Subject Category:** Lakes and Rivers

Agreement/Protocol/Convention Status

Signed November 9, 1984
In force in Canada December 14, 1984

Agreement/Protocol/Convention Summary

The Treaty sets out Canada's obligations relating to the agreement concluded between British Columbia (BC) and the city of Seattle by which the latter agrees not to construct the High Ross Dam, which would have the effect of raising the level of Ross Lake and of the Skagit River at the international boundary, provided that BC supply it with the electricity approximately anticipated from the construction of the High Ross Dam.

Under the BC-Seattle Agreement, BC is to supply Seattle, for 80 years, with power equivalent to that which would have been generated if the Ross Dam height had been raised. Seattle will pay BC the equivalent of the cost of building the Ross Dam. Either Party may give notice to terminate after 1991. If BC gives notice, it must return the money to Seattle, so that the dam can be raised which will lead to the flooding of the Skagit Valley. BC was also allowed to raise the operating level of the Seven Mile project on the Pend d'Oreille River to help produce the required power. If Seattle terminates the agreement, it loses the right to flood the Skagit Valley.

This Treaty protects the Government of Canada in the event BC fails to comply with the BC-Seattle Agreement.

Agreement/Protocol/Convention Commitments

The Treaty sets out Canada's obligations relating to the agreement concluded between British Columbia (BC) and the city of Seattle by which the latter agrees not to construct the High Ross Dam, which would have the effect of raising the level of Ross Lake and of the Skagit River at the international boundary, provided that BC supply it with the electricity approximately anticipated from the construction of the High Ross Dam.

Under the BC-Seattle Agreement, BC is to supply Seattle, for 80 years, with power equivalent to that which would have been generated if the Ross Dam height had been raised. Seattle will pay BC the equivalent of the cost of building the Ross Dam. Either Party may give notice to terminate after 1991. If BC gives notice, it must return the money to Seattle, so that the dam can be raised which will lead to the flooding of the Skagit Valley. BC was also allowed to raise the operating level of the Seven Mile project on the Pend d'Oreille River to help produce the required power. If Seattle terminates the agreement, it loses the right to flood the Skagit Valley.

This Treaty protects the Government of Canada in the event BC fails to comply with the BC-Seattle Agreement.

Environment Canada Action Required

None at present. Environment Canada co-signed the agreement with the Department of Foreign Affairs and International Trade (DFAIT) and would play a supporting role to DFAIT in the event any federal action is required by the Treaty.

Environment Canada Activities

Although Environment Canada has no legal obligations under the Treaty, it maintains a water level monitoring station on the Skagit River at the international boundary as part of its overall joint monitoring program with the United States.



Evidence of Compliance

Data from the United States Geological Survey international gauging station on the Ross Reservoir near Newhalem (12175000) and the Pend d'Oreille River at the International Boundary (1963-1995) (12398600).

Environment Canada Contact(s):

Kirk Johnstone, Pacific & Yukon Region, Tel: (604) 664-9120; Fax: (604) 664-9126
John Cooper, Environmental Conservation Service, Tel: (819) 953-4007; Fax: (819) 994-0237

Web Site(s)

<http://waterdata.usgs.gov/nwis-w/> (select Washington State)
<http://www.ec.gc.ca/water/index.htm>
<http://www.ijc.org/>



Treaty Relating to the Boundary Waters and Questions Arising Along the Border Between the US and Canada

Lead Department: Department of Foreign Affairs and International Trade **Subject Category:** Lakes and Rivers

Agreement/Protocol/Convention Status

Signed January 11, 1909
(supplemented by many subsequent agreements)

Agreement/Protocol/Convention Summary

The Boundary Waters Treaty (BWT) established the principles and a mechanism for addressing boundary and transboundary water issues and resolving disputes between Canada and the United States. The BWT stipulates that boundary and transboundary water shall not be polluted in either country to the injury of property or health of the other country (Article IV). Also, water levels and flows must not be altered without approval of the responsible government and the International Joint Commission (IJC).

The BWT also created the IJC to provide a mechanism to resolve and prevent disputes along the Canada-US boundary concerning water quantity and quality or in other areas (e.g. air pollution). The IJC is a permanent body composed of three commissioners appointed by each country. Its duties include responding to applications for the use, obstruction or diversion of certain boundary and transboundary waters affecting levels and flows. Where the IJC has the authority to grant approval, it may impose conditions binding on both countries and appoint an international board of control to oversee compliance with the conditions.

Agreement/Protocol/Convention Commitments

The key provisions of the Boundary Waters Treaty (BWT) are:

- Canada and the United States maintain exclusive jurisdiction and control over the use and diversion of all waters on their own side of the boundary. However, if any injuries occur, the injured party shall be entitled to the same rights and remedies as if such injury took place in the country where the diversion or interference occurred (Article II);
- boundary and transboundary waters shall not be polluted on either side to the injury of health or property on the other" (Article IV); and
- Canada and the US, "enjoy equal and similar rights in the use of waters" on their own sides of the boundary, and in the event of a dispute among competing uses, water use priorities will be ranked in the following order: domestic and sanitary; navigation; power (Article VIII).

No project (use, obstruction or diversion) that would affect the natural level or flow on the other side of the international boundary or raise the level of transboundary rivers at the boundary can proceed except by authority of Canada or the United States and with the approval of the International Joint Commission (IJC). In granting approval, the IJC may impose conditions binding on both countries and private parties, and usually appoints an international board of control to oversee compliance with the conditions of approval (Article III).

Either government may refer to the IJC any question or matter of difference concerning water quantity and water/air quality issues along the common frontier. In practice, such references have been transmitted jointly by the two governments, after consultations on the specific terms.

The IJC investigates, reports and makes recommendations for resolving the issue in question. Implementation of the Commission's recommendations is at the discretion of the governments, and is usually exercised after bilateral consultation.

The IJC is responsible for alerting the governments of emerging or potential water or air pollution problems along the boundary, and has arbitrable authority over any subject referred to it, but the governments have not made use of this provision.



Environment Canada Action Required

Environment Canada provides technical support to the International Joint Commission (IJC); advises the Department of Foreign Affairs and International Trade (DFAIT); enforces the rules of the IJC; and licenses developments on transboundary waters.

Environment Canada Activities

When requested by the two federal governments, the International Joint Commission (IJC) provides advice on matters affecting the shared environment or undertakes specific investigations. More than 100 boundary water issues have been referred to the IJC. In addition, the IJC has created many control boards (12), pollution boards (4), advisory boards, and study boards.

Environment Canada supports the IJC, providing secretariat and technical support. Environment Canada also monitors levels, flows, and water quality to ensure compliance with IJC objectives and with the Boundary Waters Treaty (BWT) and related agreement requirements, including water apportionment provisions. Environment Canada officials also participate directly on a number of the boards set up under the Treaty.

Americas Branch (Policy and Communications Service (P&C)/Headquarters) provides national policy coordination for the department's involvement with the IJC at semi-annual meetings with governments.

The National Water Issues Branch [Environmental Conservation Service (ECS)/Headquarters (HQ)] provides national coordination and scientific and technical advice to the Regions, other government departments (OGDs), and provinces in meeting commitments under the BWT. This includes resolution of transboundary issues, development of a Canadian position and scientific and technical support to the IJC and other Canada/US transboundary agreements.

Under the Government Organization Act 1979, the rules and regulations of the IJC are enforced by Environment Canada. Environment Canada also administers the International River Improvements Act (1955), including associated regulations, by licensing developments on transboundary rivers that may affect levels or flow at the boundary, consistent with Article II of the BWT.

Evidence of Compliance

Relevant reports include:

- International Joint Commission (IJC) Biennial reports on Great Lakes Water Quality; and
- Regular reports from boards established under the Boundary Waters Treaty (BWT).

Emerging issues include:

- Devils Lake Outlet, North Dakota;
- Garrison Diversion Project, North Dakota;
- IJC proposal to establish 10 ecosystem-based watershed boards across Canada; and
- bulk water removal, including export of water; and
- review of Great Lakes Water Quality Agreement.

Environment Canada Contact(s):

Environment Canada lead in dealings with DFAIT and the IJC:
Jenna Mackay-Alie, Policy and Communications, Tel: (819) 994-1670; Fax: (819) 997-0199
John Cooper, Environmental Conservation Service, Tel: (819) 953-4007; Fax: (819) 994-0237
Ontario Region supports the IJC and leads on Great Lakes issues:
Doug Cuthbert, Ontario Region, Tel: (905) 336-4713; Fax: (905) 336-8901

Web Site(s)

<http://www.ijc.org/>





OCEANS





Agreement Between the Government of Canada and the Kingdom of Denmark for Cooperation Relating to the Marine Environment

Lead Department: Coast Guard

Subject Category: Oceans

Agreement/Protocol/Convention Status

Signed August 26, 1983

In force in Canada August 26, 1983

In force internationally August 26, 1983

Note that the two countries are in the process of redrafting the Agreement.

Agreement/Protocol/Convention Summary

The Agreement focuses on the prevention and control of pollution of the marine environment primarily in the waters near Greenland. It requires each Party to:

- investigate complaints about violations of domestic pollution laws (Article IV);
- provide the other Party with relevant information prior to initiating any works or undertakings that may create a risk of pollution in the area of the other Party (Article IV);
- enter into consultations concerning such works or undertakings at the request of the other Party (Article IV);
- design, construct, and operate installations for the exploration or exploitation of natural resources so as to minimize the risk of pollution of the marine environment (Article V);
- exchange scientific and other information (Article VI);
- cooperate with respect to vessel traffic management (Article VII);
- endeavour to ensure that adequate compensation is available to cover pollution of the marine environment from natural resource installations (Article VIII); and
- facilitate access of the other Party's vessels during responses to pollution incidents (Article IX).

Agreement/Protocol/Convention Commitments

The Agreement focuses on the prevention and control of pollution of the marine environment primarily in the waters near Greenland. It requires each Party to:

- investigate complaints about violations of domestic pollution laws (Article IV);
- provide the other Party with relevant information prior to initiating any works or undertakings that may create a risk of pollution in the area of the other Party (Article IV);
- enter into consultations concerning such works or undertakings at the request of the other Party (Article IV);
- design, construct, and operate installations for the exploration or exploitation of natural resources so as to minimize the risk of pollution of the marine environment (Article V);
- exchange scientific and other information (Article VI);
- cooperate with respect to vessel traffic management (Article VII);
- endeavour to ensure that adequate compensation is available to cover pollution of the marine environment from natural resource installations (Article VIII); and
- facilitate access of the other Party's vessels during responses to pollution incidents (Article IX).

Environment Canada Action Required

Coast Guard is the lead agency. Environment Canada plays an advisory role with regard to environmental sensitivities of affected areas.

Environment Canada Activities

The Meteorological Service of Canada (MSC) becomes involved in plume dispersion when radioactive releases or toxic gases are involved. An Environmental Protection Service (EPS) official acts as the Canadian co-chair of the Joint Environmental Emergency Response Team responsible for coordinating all Canadian Atlantic Region environmental advice on spill response. The majority of the waters covered under this agreement would involve Environment Canada's Prairie and Northern Regional Office while the Labrador Sea area is the responsibility of the Department's Atlantic Region.



Evidence of Compliance

Not available (advice only).

Environment Canada Contact(s): John Shrives, Environmental Protection Service, Tel: (819) 997-3580; Fax: (819) 997-5029

Web Site(s)



Canada - US Bilateral Agreement on Shellfish Sanitation

Lead Department: Canadian Food Inspection

Subject Category: Oceans

Agreement/Protocol/Convention Status

Signed in Canada March 4, 1948

Signed in the United States April 10, 1948

The Agreement remains in force unless one of the Parties gives thirty days notice.

Agreement/Protocol/Convention Summary

The Agreement was signed to improve the sanitary practices prevailing in the molluscan shellfish industries. It is intended to ensure that the raw molluscan shellfish that is traded between the two countries is harvested, handled, and processed in accordance with agreed sanitary principles, that each country informs the other on compliance with the sanitary principles and that each country facilitates the inspection of each other's shellfish handling facilities and shellfish growing areas.

Agreement/Protocol/Convention Commitments

Canada must:

- agree to common sanitary principles governing harvesting, handling, and processing shellfish;
- inform the United States on compliance with those principles; and
- facilitate inspections of its shellfish handling facilities and shellfish growing areas if requested.

Environment Canada Action Required

The Canadian Shellfish Sanitation Program (CSSP), Canada's commitment to meeting the Canada-US Bilateral Agreement, is a program shared by Environment Canada, the Canadian Food Inspection Agency (CFIA), and the Department of Fisheries and Oceans (DFO). A Memorandum of Understanding (MOU) between Environment Canada and DFO signed in 1990 outlining the responsibilities of each agency for the CSSP, is now under revision as a result of the transfer of Fish Inspection from DFO to the CFIA. The lead for negotiations with the US is the CFIA supported by Environment Canada and DFO. A common principle of the Canadian and American programs is that the proper survey and classification of shellfish growing areas is the first critical control point in shellfish contamination. Environment Canada's responsibility within the CSSP is the survey and classification of shellfish growing areas.

Environment Canada Activities

The Canadian Food Inspection Agency is the lead. Environment Canada is responsible for carrying out shoreline sanitary and bacteriological water quality surveys of the shellfish growing areas according to the procedures, standards, and protocols of the Canadian Shellfish Sanitation Program (CSSP) Manual of Operations. This includes the continuing evaluation of the level of fecal contamination on the water overlying shellfish growing areas, the identification of point and non-point pollution sources impacting on these areas, and recommendations to the Department of Fisheries and Oceans (DFO) and the Canadian Food Inspection Agency (CFIA) for classification of these areas based on sanitary quality and general sanitary conditions. DFO implements closures through the Management of Contaminated Fisheries Regulations under the Fisheries Act. Fish Inspection Regulations under the Fish Inspection Act requires that molluscan shellfish processed by federal processing plants be harvested from waters that would ensure the shellfish are wholesome.

Environment Canada participates in regular audits of the CSSP in the three regions where the program is carried out in Canada (Pacific and Yukon, Quebec, and Atlantic Regions).

Evidence of Compliance

The Canadian Shellfish Sanitation Program (CSSP) audits in Quebec, Pacific and Yukon, and Atlantic Regions have found the program to be in general compliance with the principles of the CSSP.

The United States Food and Drug Administration (USFDA) has routinely audited the CSSP (about every two years -- most recently in 1996 on both Atlantic and Pacific coasts). Growing area classification based on water quality, is the basis of the National Shellfish Sanitation Program (NSSP-the US equivalent to the CSSP), as it is for the



CSSP, and has found the program to be in general compliance with the principles of the NSSP. An audit by Canadian auditors of NSSP in two states in 1995 indicated that the program was in general compliance with agreed sanitary principles.

Health Canada has also recently audited the Canadian Food Inspection Agency's (CFIA's) biotoxin monitoring component of the program.

Environment Canada Contact(s): Elaine McKnight, Environmental Protection Service, Tel: (819) 953-1175; Fax: (819) 953-0913

Web Site(s)



Canada - US Joint Marine Pollution Contingency Plan

Lead Department: Coast Guard

Subject Category: Oceans

Agreement/Protocol/Convention Status

Signed June 20, 1974

Agreement/Protocol/Convention Summary

The Plan is an agreement between the Canadian and United States Coast Guards. It evolved out of the 1972 Great Lakes Water Quality Agreement (GLWQA) and is designed to deal with emergencies in maritime boundary regions.

Annexes to the 1974 Plan covered: the Great Lakes (I); the Atlantic coast (II); and the Pacific coast (III). Annex IV, signed in 1977, covers the Beaufort Sea and Annex V, signed in 1980 covers Dixon Entrance.

Agreement/Protocol/Convention Commitments

The Plan is an agreement between the Canadian and United States Coast Guards. It evolved out of the 1972 Great Lakes Water Quality Agreement (GLWQA) and is designed to deal with emergencies in maritime boundary regions.

Annexes to the 1974 Plan covered: the Great Lakes (I); the Atlantic coast (II); and the Pacific coast (III). Annex IV, signed in 1977, covers the Beaufort Sea and Annex V, signed in 1980 covers Dixon Entrance.

Environment Canada Action Required

The Canadian Coast Guard (CCG) is the lead. Environment Canada plays an advisory role with regard to environmental sensitivities of affected areas and may mobilize scientific support and technical resources to assist in the overall response when requested by the CCG as the Lead Agency.

Environment Canada Activities

The Meteorological Service of Canada (MSC) may be activated to provide meteorological information and forecasting, and plume dispersion when radioactive releases or toxic gases are involved. The Joint Environmental Emergency Response Team (JERT) is an integrated response team with members from both countries. An Environmental Protection Service (EPS) official acts as the Canadian co-chair of the JERT and is responsible for the overall coordination of Canada's spill response activities and the provision of response advice on environmental priorities and related spill response activities.

The Plan has been invoked on approximately 10 occasions and exercises to test the plan and regional annexes are conducted biannually. Canadian and US Coast Guards are in the process of rewriting the Plan, consolidating those points that are common to all annexes into the main body of the document. In the interim, Operational Supplements have been prepared that provide greater detail and serve to complement the information currently in the Plan. While there is no firm deadline for the completion of the rewrite, both the Canadian and US Coast Guards continue to work diligently on the document and view its completion as a priority.

Evidence of Compliance

The Plan has been invoked on approximately 10 occasions and exercises to test the plan and regional annexes are conducted biannually.

Environment Canada Contact(s): Mary-Ann Spicer, Environmental Protection Service, Tel: (819) 997-3742; Fax: (819) 953-5361

Web Site(s)



Convention on the Prevention of Marine Pollution by Dumping of Waste and Other Matter (LC72)

Lead Department: Environment Canada

Subject Category: Oceans

Agreement/Protocol/Convention Status

Signed December 29, 1972
In force internationally August 30, 1975
Ratified November 13, 1975
In force in Canada December 13, 1975

Amendment concerning the settlement of disputes signed October 12, 1978; not yet in force due to insufficient number of signatories.

Amendments concerning incineration at sea signed October 12, 1978; in force March 11, 1979

Amendment to Annexes I and II to the Convention signed September 24, 1980; in force in Canada November 3, 1981

Amendment to Annex III to the Convention signed November 3, 1989; in force in Canada May 19, 1990

Amendments concerning radioactive wastes signed November 12, 1993; in force February 20, 1994

Amendments concerning phasing out sea disposal of industrial waste signed November 12, 1993; in force February 20, 1994

Amendment concerning incineration at sea signed November 12, 1993; in force February 20, 1994

Agreement/Protocol/Convention Summary

The Convention prohibits the disposal at sea of waste and other matter except under a permit issued by a contracting party, depending on the nature of the wastes and other matter as described in Annexes I and II. Annex III sets out factors to be considered in establishing domestic permit systems.

Agreement/Protocol/Convention Commitments

Parties must (except in emergency situations):

- prohibit dumping of Annex I wastes;
- require a special permit for dumping of wastes or other matter in Annex II;
- require prior general permit for dumping of all other wastes or matter;
- keep records, monitor and report on actions under the Convention;
- support on a voluntary basis technical assistance to other Parties; and
- promote development of international measures to protect marine environment from various types of pollution.

Environment Canada Action Required

Environment Canada is the lead, supported by the Department of Fisheries and Oceans (DFO), the Department of Foreign Affairs and International Trade (DFAIT), Natural Resources Canada (NRCan) and Transport Canada (TC). Environment Canada's main obligations are to develop the legal and administrative regime to implement and report on the Convention.

Environment Canada Activities

The Canadian Environmental Protection Act (CEPA) Part VI creates the legal framework for full implementation of the Convention.

The Environmental Protection Service (EPS) and the regions:

- implement and enforce the CEPA permit system; and
- provide technical assistance to Parties, and technical and policy input to the Convention Secretariat.



Evidence of Compliance

The Canadian Environmental Protection Act (CEPA) Annual Report and the Annual report to the Convention Secretariat.

Environment Canada Contact(s):

Jim Osborne, Environmental Protection Service, Tel: (819) 953-2265; Fax: (819) 953-0913
John Karau, Environment Protection Service, Tel: (819) 953-1966; Fax: (819) 953-0913

Web Site(s)

<http://www.un.org/depts/los/>
<http://www.imo.org/>



International Convention for the Prevention of Pollution from Ships (MARPOL 73/78)

Lead Department: Transport Canada

Subject Category: Oceans

Agreement/Protocol/Convention Status

Signed February 17, 1978
In force in Canada February 16, 1993
In force internationally, October 2, 1983
Acceded to, November 16, 1992

Protocol creating Annex I and II signed February 17, 1978
In force internationally October 2, 1983
Ratified by Canada November 16, 1992

Protocols creating Annexes III, IV, V and VI not yet ratified by Canada.

Agreement/Protocol/Convention Summary

The Convention aims to preserve the marine environment by achieving the complete elimination of international pollution by oil and other harmful substances and the minimization of accidental discharge of such substances. The Convention has two protocols dealing respectively with reports on incidents involving harmful substances (Protocol I) and arbitration (Protocol II), as well as 6 annexes which contain regulations for the prevention of various forms of oil pollution such as pollution by oil (Annex I), pollution by noxious liquid substances carried in bulk (Annex II), pollution by harmful substances carried in packages, portable tanks, freight containers, road or rail tank wagons (Annex III), pollution by sewage from ships (Annex IV), pollution by garbage from ships (Annex V), and air pollution from ships (Annex VI). Annexes I and II are mandatory and were accepted by Canada in 1992 when Canada ratified the Convention. Canada has not ratified the other annexes.

Agreement/Protocol/Convention Commitments

Canada is obliged to:

- inspect and license ships;
- ensure provision of reception facilities;
- inspect and punish violations;
- financially support the secretariat;
- provide technical support and cooperation and annual reports; and
- implement the Convention through legislation.

Environment Canada Action Required

Environment Canada has no direct responsibility for any of the commitments. Transport Canada is the lead agency, and has implemented the Convention through the Canada Shipping Act.

Environment Canada Activities

The Environmental Protection Service (EPS) provides technical advice to Transport Canada on environmental issues related to the implementation of the Convention and emerging issues to be discussed at the meetings of the Marine Environmental Protection Committee (MEPC) of the International Maritime Organization (IMO).

Evidence of Compliance

Annual reports from Transport Canada to the Secretariat of the International Maritime Organization.

Environment Canada Contact(s): Jim Osborne, Environmental Protection Service, Tel: (819) 953-2265; Fax: (819) 953-0913

Web Site(s) <http://www.imo.org>



International Convention on Civil Liability for Oil Pollution Damage

Lead Department: Transport Canada

Subject Category: Oceans

Agreement/Protocol/Convention Status

Signed November 29, 1969

Acceded the 1969 Convention on January 24, 1989

Ratified the 1976 protocol in 1989 (in force since 1989)

Ratified and acceded to the 1992 protocol effective May 29, 1999 (in force internationally since May 30, 1995)

Agreement/Protocol/Convention Summary

The International Convention on Civil Liability for Oil Pollution Damage (CLC) operates in tandem with the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage. The CLC prescribes uniform international rules and procedures for determining questions of liability and providing adequate compensation where damage is caused by pollution resulting from the escape or discharge of oil from ships. The International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage provides compensation if there is inadequate money available pursuant to the CLC.

The 1992 Protocol amends both the CLC and the Oil Pollution Fund Agreement. It significantly increases the potential compensation available from the ship owner, and expands the scope of both Conventions to include environmental remediation, restoration, and reasonable prevention measures. It came into force internationally on May 30, 1995. Canada is party to the 1992 Protocol. Bill S-4, which received royal assent on May 12, 1998, provided the necessary legislative basis for Canada to ratify the Protocol. Pursuant to section 31 of this bill, the new regime of Limitation of Liability for Maritime Claims came into force on August 10, 1998. Amendments to the regime of liability and compensation for pollution damage came into force on May 29, 1999.

Agreement/Protocol/Convention Commitments

The International Convention on Civil Liability for Oil Pollution Damage (CLC) operates in tandem with the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage. The CLC prescribes uniform international rules and procedures for determining questions of liability and providing adequate compensation where damage is caused by pollution resulting from the escape or discharge of oil from ships. The International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage provides compensation if there is inadequate money available pursuant to the CLC.

The 1992 Protocol amends both the CLC and the Oil Pollution Fund Agreement. It significantly increases the potential compensation available from the ship owner, and expands the scope of both Conventions to include environmental remediation, restoration, and reasonable prevention measures. It came into force internationally on May 30, 1995. Canada is party to the 1992 Protocol. Bill S-4, which received royal assent on May 12, 1998, provided the necessary legislative basis for Canada to ratify the Protocol. Pursuant to section 31 of this bill, the new regime of Limitation of Liability for Maritime Claims came into force on August 10, 1998. Amendments to the regime of liability and compensation for pollution damage came into force on May 29, 1999.

Environment Canada Action Required

Advice only.

Environment Canada Activities

Transport Canada (TC) is the lead. The Ship Source Oil Pollution Fund under the Canada Shipping Act administers these provisions.

Environment Canada's Environmental Emergencies Branch (EEB) advises TC on environmental matters regarding the Convention through its participation on an Interdepartmental Committee for the International Maritime Organization's (IMO) Legal Committee, which addresses issues related to this agreement.



Evidence of Compliance

Transport Canada (TC) is the lead. The Ship Source Oil Pollution Fund under the Canada Shipping Act administers these provisions.

Environment Canada Contact(s): Mary-Ann Spicer, Environmental Protection Service, Tel: (819) 997-3742; Fax: (819) 953-5361

Web Site(s) <http://www.imo.org>



International Convention on Oil Pollution Preparedness, Response and Cooperation

Lead Department: Transport Canada

Subject Category: Oceans

Agreement/Protocol/Convention Status

Signed November 30, 1990

Acceded March 7, 1994

In force in Canada May 13, 1995

In force internationally May 13, 1995

Currently an amendment is being negotiated to extend the Convention to Hazardous and Noxious Substances (HNS).

Agreement/Protocol/Convention Summary

The International Convention on Oil Pollution Preparedness, Response and Cooperation was signed November 30, 1990; acceded March 7, 1994; in force internationally May 13, 1995; and in force in Canada May 13, 1995. Currently an amendment is being negotiated to extend the Convention to Hazardous and Noxious Substances (HNS).

Agreement/Protocol/Convention Commitments

The Convention commits Canada to strengthen its legal framework for the prevention, control, and capacity to respond to environmental pollution by oil, in general, and marine pollution by oil in particular, by providing a basis for preparedness and for response-capability, to deal with incidents of oil pollution in the marine environment.

Environment Canada Action Required

Transport Canada (TC) is the lead in liaison with the International Maritime Organization (IMO), and in negotiating the amendment to extend the Convention to noxious and hazardous substances. The Canadian Coast Guard is the lead operational agency. Environment Canada has an advisory role.

Environment Canada Activities

Environment Canada's Environmental Emergencies Branch (EEB) advises Coast Guard and Transport Canada on environmental matters regarding the Convention through its participation on an interdepartmental committee. Environment Canada has an advisory role, providing input to the preparedness component, particularly in the areas of contingency planning and training, and provides technical advice regarding environmental priorities related to the response to oil and Hazardous and Noxious Substances (HNS) emergencies. EEB also participates on the International Maritime Organization's (IMO's) Legal Committee, which addresses issues related to this Convention.

EEB also helps coordinate environmental emergency preparedness for Canada. Environment Canada regional offices chair regional environmental emergency teams. These are standing committees with representatives from various federal departments, as well as provincial and municipal governments. In the event of an oil spill, these committees coordinate Canada's response.

The HNS Protocol to the Oil Spill Preparedness, Response and Cooperation Convention (OPRC) has been progressing over the past several years. A diplomatic conference to finalize wording and gain approval of the draft protocol is planned for March 2000.

Evidence of Compliance

Transport Canada revised the Canada Shipping Act to implement the Convention.

Environment Canada Contact(s): Mary-Ann Spicer, Environmental Protection Service, Tel: (819) 997-3742; Fax: (819) 953-5361

Web Site(s) <http://www.imo.org>



International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage

Lead Department: Transport Canada

Subject Category: Oceans

Agreement/Protocol/Convention Status

Canada:

- ratified the 1971 Convention on April 24, 1989 (in force internationally since April 24, 1989)
- signed the amending protocol on November 19, 1992; ratified and acceded to effective May 29, 1999 (in force internationally since November 22, 1994)

Agreement/Protocol/Convention Summary

The International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage operates in tandem with the International Convention on Civil Liability for Oil Pollution Damage (CLC). This Convention establishes the International Oil Pollution Compensation Fund to provide supplementary compensation for pollution damage resulting from the escape or discharge of oil from ships. The Convention outlines the conditions under which compensation is given to persons suffering pollution damage [art. 4]. Essentially, it provides compensation if there is inadequate money available pursuant to the CLC.

The 1992 Protocol amends both the CLC and the Oil Pollution Fund Agreement. It significantly increases the potential compensation available from the International Oil Pollution Compensation Fund, and expands the scope of both Conventions to include environmental remediation, restoration, and reasonable prevention measures. It came into force internationally on May 30, 1995. Canada is a party to the 1992 Protocol. Bill S-4, which received royal assent on May 12, 1998, provided the necessary legislative basis for Canada to ratify the Protocol. Pursuant to section 31 of this bill, the new regime of Limitation of Liability for Maritime Claims came into force on August 10, 1998. Amendments to the regime of liability and compensation for pollution damage came into force on May 29, 1999.

Agreement/Protocol/Convention Commitments

The International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage operates in tandem with the International Convention on Civil Liability for Oil Pollution Damage (CLC). This Convention establishes the International Oil Pollution Compensation Fund to provide supplementary compensation for pollution damage resulting from the escape or discharge of oil from ships. The Convention outlines the conditions under which compensation is given to persons suffering pollution damage [art. 4]. Essentially, it provides compensation if there is inadequate money available pursuant to the CLC.

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Environment Canada Action Required

Advice only.

Environment Canada Activities

Transport Canada (TC) is the lead. The Ship Source Oil Pollution Fund under the Canada Shipping Act administers these provisions.



Environment Canada's Environmental Emergencies Branch (EEB) advises TC on environmental matters regarding the Convention through its participation on an interdepartmental committee of the International Maritime Organization's (IMO) Legal Committee, which addresses issues related to this agreement.

Evidence of Compliance

Transport Canada (TC) is the lead. The Ship Source Oil Pollution Fund under the Canada Shipping Act administers these provisions.

Environment Canada Contact(s): Mary-Ann Spicer, Environmental Protection Service, Tel: (819) 997-3742; Fax: (819) 953-5361

Web Site(s) <http://www.imo.org>



Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Waste and Other Matter

Lead Department: Environment Canada

Subject Category: Oceans

Agreement/Protocol/Convention Status

Canada adopted the Protocol on November 8, 1996 at the Special Meeting of the Parties to the Convention, but has not yet ratified or put it into force. Will do so once Bill C-32 [to replace the Canadian Environmental Protection Act (CEPA)] is promulgated.

Agreement/Protocol/Convention Summary

The Protocol will replace the 1972 London Dumping Convention (LC72). It incorporates a reverse listing approach under which Parties may only permit ocean dumping: a) of substances that are listed; and b) where the applicant can demonstrate by reference to the prescribed Waste Assessment Framework that ocean dumping is the environmentally preferable and practical option. Otherwise, it essentially imposes the same reporting and dispute resolution provisions as LC72.

Agreement/Protocol/Convention Commitments

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Environment Canada Action Required

Develop legal and administrative regime to implement and report on compliance activities.

Environment Canada Activities

In practice, Canada complies with most of the Protocol:

- the current ocean dumping application form under Canadian Environmental Protection Act (CEPA) reflects the Protocol's Waste Assessment Framework; and
- Canada only permits ocean dumping of substances on the Protocol's List (excluding sewage sludge).

Bill C-32 will provide the legal authority to implement the Protocol. The Environmental Protection Service (EPS) intends to seek ratification.

Evidence of Compliance

Not available since not yet ratified.

Environment Canada Contact(s):

Jim Osborne, Environmental Protection Service, Tel: (819) 953-2265; Fax: (819) 953-0913
John Karau, Environment Protection Service, Tel: (819) 953-1966; Fax: (819) 953-0913

Web Site(s)

<http://www.un.org/depts/los/>
<http://www.imo.org/>



TOXIC CHEMICALS





International Environmental Agreements Summary - Winter 1999-2000

**Organisation for Economic Cooperation and Development (OECD) Decision - Recommendation
on the Systematic Investigation of Existing Chemicals C(87)90**

Lead Department: Environment Canada

Subject Category: Toxic Chemicals

Agreement/Protocol/Convention Status

Adopted in June 1987

Agreement/Protocol/Convention Summary

Countries agree to establish or strengthen national programs to systematically investigate existing chemicals, in order to identify those which need to be managed and/or controlled to protect health and the environment. The Recommendation includes harmonized technical guidance on: identification of relevant chemicals; priority-setting; collection of information needed for priority-setting; generation of information, including testing, needed for hazard assessments; and, performance of hazard and risk assessments.

Agreement/Protocol/Convention Commitments

Countries agree to establish or strengthen national programs to systematically investigate existing chemicals, in order to identify those which need to be managed and/or controlled to protect health and the environment. The Recommendation includes harmonized technical guidance on: identification of relevant chemicals; priority-setting; collection of information needed for priority-setting; generation of information, including testing, needed for hazard assessments; and, performance of hazard and risk assessments.

Environment Canada Action Required

Develop legislative and regulatory basis and the administrative infrastructure that is needed to implement the commitment, as well as undertake the systematic investigation of priority chemicals of concern for health and environmental protection in Canada.

Environment Canada Activities

Environment Canada has the lead in developing the Canadian Environmental Protection Act (CEPA) which was promulgated in 1988. Part II (Toxic Substances) incorporates the relevant harmonized Organisation for Economic Cooperation and Development (OECD) requirements and guidance for the investigation of existing chemicals under the title "Priority Substances". Part II identifies Ministerial prerogatives for setting priorities, for the systemic investigation and assessment of hazard and for deciding if a chemical is "toxic". It also provides the powers enabling the collection and generation of the information needed.

Environment Canada strengthened its capability to undertake the systematic investigation of Priority Substances by increasing the resources and expanding the Chemical Evaluation Division in order to meet CEPA requirements and prescribed time limits.

Environment Canada initiated a Priority Substances List (PSL) program. PSL 1 consisted of 44 substances which have been assessed. For the 25 PSL 1 substances considered under CEPA regulations or other management options have been, or are being, developed. PSL 2 consists of 25 substances which are currently being assessed. All mandated deadlines for PSL assessments have been met.

Environment Canada and Health Canada will categorize the 22,000 substances on the Domestic Substances List to determine those that have the greatest potential for human exposure or those that are persistent, bioaccumulative and inherently toxic. Candidate substances will undergo a risk assessment to identify those that will require risk management action.



Evidence of Compliance

Environment Canada has the lead in developing the Canadian Environmental Protection Act (CEPA) which was promulgated in 1988. Part II (Toxic Substances) incorporates the relevant harmonized Organisation for Economic Cooperation and Development (OECD) requirements and guidance for the investigation of existing chemicals under the title "Priority Substances".

Environment Canada Contact(s): Danie Dubé, Environmental Protection Service, Tel: (819) 953-0356; Fax: (819) 953-4936

Web Site(s) <http://www.oecd.org/env/acts.htm>



Organisation for Economic Cooperation and Development (OECD) Decision Concerning the Minimum Pre-Market Set of Data (MPD) in the Assessment of Chemicals (82) 196

Lead Department: Environment Canada

Subject Category: Toxic Chemicals

Agreement/Protocol/Convention Status

Adopted December 1982; implemented by Regulation under the Canadian Environmental Protection Act (CEPA) in 1994.

Agreement/Protocol/Convention Summary

This Decision requires that sufficient information on the properties of chemicals be available before they are marketed to enable a meaningful assessment of hazard. A list of Minimum Pre-Market Set of Data (MPD) data components was established by an Organisation for Economic Cooperation and Development (OECD) Recommendation which accompanied the Decision.

Agreement/Protocol/Convention Commitments

This Decision requires that sufficient information on the properties of chemicals be available before they are marketed to enable a meaningful assessment of hazard. A list of Minimum Pre-Market Set of Data (MPD) data components was established by an Organisation for Economic Cooperation and Development (OECD) Recommendation which accompanied the Decision.

Environment Canada Action Required

Environment Canada is the lead, while Health Canada is the supporting department. New Substances Notification Regulations under the CEPA (1994) continue to provide the basis for implementing the Organisation for Economic Cooperation and Development (OECD) Decision.

Environment Canada Activities

New Substances Notification Regulations (NSNR) under the Canadian Environmental Protection Act (CEPA) were promulgated in 1994 to implement a pre-market chemical notification system for chemicals and polymers which includes a requirement for an Organisation for Economic Cooperation and Development (OECD) Minimum Pre-Market Set of Data (MPD) to accompany the notification.

Set up administration procedures to manage the notification and assessment process in order to identify whether any chemical control or management is required following the notification.

Environment Canada's New Substances Division, Commercial Chemicals Evaluation Branch (CCEB) administers the CEPA provision on new chemical notification, MPD and assessment.

In September 1997, the NSNR were amended so that features of the decisions were extended to biotechnology substances.

Evidence of Compliance

Approximately 8,300 notifications have been submitted to Environment Canada since 1994; 30 control decisions or actions have been taken. Except for exemptions or special requirements with some chemicals, Organisation for Economic Cooperation and Development (OECD) countries have found Minimum Pre-Market Set of Data (MPD) to be generally satisfactory for initial assessment of hazard. OECD countries find that, in general, the notification/MPD approach has been protecting human health and the environment. There have been no major health or environmental problems with the use of new chemicals after their notification.

Environment Canada Contact(s): David McBain, Environmental Protection Service, Tel: (819) 997-4336; Fax: (819) 953-7155

Web Site(s) <http://www.oecd.org/env/acts.htm>



Organisation for Economic Cooperation and Development (OECD) Decision on the Mutual Acceptance of Data (MAD) in the Assessment of Chemicals C(81)30

Lead Department: Environment Canada / Health Canada

Subject Category: Toxic Chemicals

Agreement/Protocol/Convention Status

Council Decision (81)30, adopted May 1981.

Annex I contains the first approved Test Guidelines. Supplementary Council Decisions, e.g. [C(89)23] revise Annex I by adding new or updated Test Guidelines.

Annex II - Principles of Good Laboratory Practice (GLP) [see separate Agreement Summary Council Decision (89)87 for the application of GLP].

Agreement/Protocol/Convention Summary

Accept, for risk assessment purposes, chemical test data generated in accordance with Organisation for Economic Cooperation and Development (OECD) Test Guidelines and OECD Principles of Good Laboratory Practice (GLP).

Agreement/Protocol/Convention Commitments

Accept such data from other countries and apply the OECD Test Guidelines and Good Laboratory Practice (GLP) Principles to data generated in support of Canadian programs that protect human health and the environment.

Support the development of new and updated OECD Test Guidelines.

Apply the GLP Principles -- see separate Agreement Summary - Council Decision (89)87

Environment Canada Action Required

Environment Canada and Health Canada share responsibility for the continued application of the Mutual Acceptance of Data (MAD) Decision in the development and implementation of legislation, regulations, policies and assessment practices.

Environment Canada Activities

- The Canadian Environmental Protection Act (CEPA) (1988) and Regulations on New Substance Notification (1994) provide the authority and a policy reference for the application of the Mutual Acceptance of Data (MAD) Decision;
- Health Canada leads the national coordination of the Organisation for Economic Cooperation and Development (OECD) Test Guidelines activity in Canada; and
- Environment Canada contributes to the development of new and updated OECD Test Guidelines for determining the hazard of chemicals to aquatic and terrestrial ecosystems.

Evidence of Compliance

- Reports from the Organisation for Economic Cooperation and Development (OECD) Secretariat to the OECD Council indicate general compliance with the Mutual Acceptance of Data (MAD) Decision in all countries, including Canada; and
- OECD project aimed at promoting Mutual Recognition of Assessments relies on MAD and provides indirect evidence that Mutual Acceptance of Data is followed by OECD countries.

Environment Canada Contact(s): John Buccini, Environmental Protection Service, Tel: (819) 997-1499; Fax: (819) 953-4936

Web Site(s) <http://www.oecd.org/env/acts.htm>



Organisation for Economic Cooperation and Development (OECD) Decision on the Protection of the Environment by Control of Polychlorinated Biphenyls [PCBs] - C(73)1 and C(87)2

Lead Department: Environment Canada

Subject Category: Toxic Chemicals

Agreement/Protocol/Convention Status

Organisation for Economic Cooperation and Development (OECD) Council Decision (73)1 and Recommendations adopted February 1973; supplementary control measures in OECD Council Decision (87)2 and Recommendations adopted February 1987.

Agreement/Protocol/Convention Summary

The Organisation for Economic Cooperation and Development (OECD) Decision ensures:

- all manufacture, trade, or sale of new polychlorinated biphenyls (PCBs) and new PCB-containing equipment is to cease;
- the safe use and gradual safe phase-out of existing PCB-containing equipment; and
- the safe handling and disposal of waste PCBs and PCB-containing waste products and equipment.

Agreement/Protocol/Convention Commitments

The Organisation for Economic Cooperation and Development (OECD) Decision ensures:

- all manufacture, trade, or sale of new polychlorinated biphenyls (PCBs) and new PCB-containing equipment is to cease;
- the safe use and gradual safe phase-out of existing PCB-containing equipment; and
- the safe handling and disposal of waste PCBs and PCB-containing waste products and equipment.

Details covered by the accompanying Recommendations are for the management of existing PCB equipment and stocks and the management of PCB wastes.

Environment Canada Action Required

Environment Canada is the lead. It is to:

- promulgate legislation and regulations to implement this Decision; and
- develop policies, programs, and procedures for implementing the Decision and Recommendations.

Environment Canada Activities

Regulations developed under the Environmental Contaminants Act and its successor, the Canadian Environmental Protection Act (CEPA), provide the authority for implementing the Decision. Environmental Contaminants Act Regulation (1977) disallowed the manufacture, trade or sale of new polychlorinated biphenyls (PCBs) and new PCB-containing products or equipment. This regulation was replaced by the Chlorobiphenyl Regulations (1987, 1991) under CEPA which provided restrictions and conditions on the use of existing PCB equipment and PCB releases.

Programs and projects were developed, in cooperation with other government departments and with provinces under the aegis of the Canadian Council of Ministers of the Environment, to monitor and manage existing PCB equipment, to arrange for phased safe withdrawal of PCB equipment from existing uses, and to arrange for the safe handling and destruction of waste PCBs and PCB-containing equipment and products. Federal regulations under CEPA were also enacted to control these activities including transportation, storage, and disposal on federal lands.



Evidence of Compliance

Regulations and programs completely cover the prerogatives of the Organisation for Economic Cooperation and Development (OECD) Decision and Recommendations.

The Auditor General Office Report (1995) identified where the regulations and programs have been successful and areas where further work or a change in emphasis is needed to meet the goals of the OECD Decision and Recommendations.

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| <i>Environment Canada Contact(s):</i> | Bernard Madé, Environmental Protection Service, Tel: (819) 994-3648; Fax: (819) 953-4936 |
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| <i>Web Site(s)</i> | http://www.oecd.org/env/acts.htm |
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**Organisation for Economic Cooperation and Development (OECD) Decision-Recommendation on
Compliance with Principles of Good Laboratory Practice
[C (89) 87]**

Lead Department: Environment Canada

Subject Category: Toxic Chemicals

Agreement/Protocol/Convention Status

Adopted in October 1989

Agreement/Protocol/Convention Summary

To ensure that test data on chemicals provided to regulatory authorities for purposes of assessment and other uses related to the protection of human health and the environment, are of verifiable quality and accepted internationally. [See Organisation for Economic Cooperation and Development (OECD) Decision on the Mutual Acceptance of Data, C(81) 30].

OECD Member countries shall:

- establish national procedures for monitoring laboratory compliance with the Principles of Good Laboratory Practice (GLP) and designate an authority, or authorities, to manage compliance activities;
- recognize the assurance by another country that test data have been generated in accordance with the Principles; and
- designate authority(ies) for international liaison and to exchange program and test facility compliance information.

The requirements and procedures underpinning these specific agreements are stipulated in this Council Decision.

Agreement/Protocol/Convention Commitments

Member Countries agreed to put in place a Good Laboratory Practice (GLP) Compliance Monitoring Program based on test facility inspections and study audits, as well as to exchange information with other Organisation for Economic Cooperation and Development (OECD) Member countries on the compliance status of laboratories.

Environment Canada Action Required

Environment Canada has the lead in developing the Canadian Environmental Protection Act (CEPA) Good Laboratory Practice (GLP) Compliance Monitoring Program to meet our Organisation for Economic Cooperation and Development (OECD) obligations and to support the New Substances Notification Regulations (NSNR), which contain GLP requirements. These regulations are currently being revised, subject to public consultation.

Environment Canada Activities

Environment Canada is participating in the work of the Organisation for Economic Cooperation and Development (OECD) Working Group on Good Laboratory Practice (GLP) regarding: developing specific guidance on technical and administrative matters pertaining to GLP and monitoring of compliance with the GLP Principles; and fostering initiatives and exchanges of information among Member countries to ensure harmonized approaches to procedures for monitoring compliance with the Principles.

The GLP Compliance Monitoring Unit: has trained inspectors; has recruited sufficient laboratories to ensure that New Substances Notification Requirements testing requirements are available in Canada; has conducted voluntary inspections of a number of contract test facilities; is negotiating a number of mutual recognition agreements with OECD Member countries; and has developed an extensive database for tracking the compliance status of both domestic and international laboratories.



Evidence of Compliance

Environment Canada has put in place 80% of the infrastructure for a viable compliance monitoring program in support of the Canadian Environmental Protection Act (CEPA) New Substances Notification Regulations.

Environment Canada Contact(s): Don MacGregor, Environmental Protection Service, Tel: (613) 990-9540; Fax: (613) 998-0004

Web Site(s) <http://www.oecd.org/env/acts.htm>



Organisation for Economic Cooperation and Development (OECD) Decision-Recommendation on Cooperative Investigation and Risk Reduction of Existing Chemicals

Lead Department: Environment Canada

Subject Category: Toxic Chemicals

Agreement/Protocol/Convention Status

Adopted January 1991

Agreement/Protocol/Convention Summary

Cooperative investigation of High-Production Volume (HPV) chemicals by cooperatively selecting chemicals for investigation and agreement by countries to acquire needed data or to ensure that such chemicals are tested.

Countries are to establish or strengthen programs to reduce the risks of existing chemicals, collaborate to select candidate toxic chemicals, and take concerted action to reduce their risk to human health and the environment.

Agreement/Protocol/Convention Commitments

Cooperative investigation of High-Production Volume (HPV) chemicals by cooperatively selecting chemicals for investigation and agreement by countries to acquire needed data or to ensure that such chemicals are tested.

Environment Canada Action Required

The Canadian Environmental Protection Act (CEPA) provides general authority for action. Environment Canada is responsible for the development and implementation of legislation, regulation, and other controls and policies to apply Organisation for Economic Cooperation and Development (OECD) Decisions.

Environment Canada Activities

Investigation:

- Environment Canada has the lead in collaboration with Health Canada (HC), and in cooperation with the chemical industry, by participation in the Organisation for Economic Cooperation and Development (OECD) chemicals projects on the Screening Information Data Set (SIDS) for High-Production Volume (HPV) Existing Chemicals;
- Environment Canada and HC have sponsored 12 chemicals and provided data and assessments for the OECD SIDS project;
- Environment Canada and HC participated in SIDS panels to provide OECD assessment of 109 chemicals to date, and expect to continue their participation in working to meet the OECD target of 500 chemicals by the year 2000. Most of the Canadian-sponsored assessments are simultaneously part of the Priority Substances Assessment Program;
- Environment Canada and HC will categorize the 22,000 substances on the Domestic Substances List to determine those that have the greatest potential for human exposure or those that are persistent, bioaccumulative and inherently toxic. Candidate substances will undergo a risk assessment to identify those that will require risk management action; and
- Canadian activities are managed by the Chemical Evaluation Division/Commercial Chemicals Evaluation Branch (CCEB)/Environment Canada and the Priority Substances Section/ESD/HC.

Risk Reduction:

- Environment Canada has the lead and Natural Resources Canada (NRCan), and the chemical industry are involved;
- Environment Canada participated in the selection of priority chemicals, development of policy and criteria for risk reduction, taking into account on-going initiatives in other international fora;
- Environment Canada participated in risk reduction activities on specific chemicals - lead, mercury, cadmium, brominated flame retardants, and methylene chloride;



- Environment Canada has developed a parallel project under the Toxic Substances Management Policy (TSMP) to virtually eliminate or control the life-cycle of toxic, persistent and bioaccumulative substances and a Strategic Options Process to develop options for the safe management of toxic chemicals; and
- Environment Canada along with the Pest Management Regulatory Agency (PMRA)/HC implement the Rotterdam Convention on Prior Informed Consent.

Evidence of Compliance

For Risk Reduction, Canada sponsored an informal OECD-wide agreement with the international lead industry, on the safe management of the use and recycling of lead. Also see Environment Canada and/or Canadian Activities.

Environment Canada Contact(s): John Buccini, Environmental Protection Service, Tel: (819) 997-1499; Fax: (819) 953-4936

Web Site(s) <http://www.oecd.org/env/acts.htm>



